

*Roman Constitution*

*J. Church. Oct: 27. 1748.*

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PARALLEL

BETWEEN

The *Roman* and *British*  
CONSTITUTION;

COMPREHENDING

POLIBIUS'S

CURIOUS

DISCOURSE

OF THE

*Roman Senate;*

WITH A

Copious *Preface*, wherein his *Principles* are applied to ~~our~~ *Government*.

The whole calculated to restore the true Spirit of *Liberty*, and to explode *Dependancy* and *Corruption*.

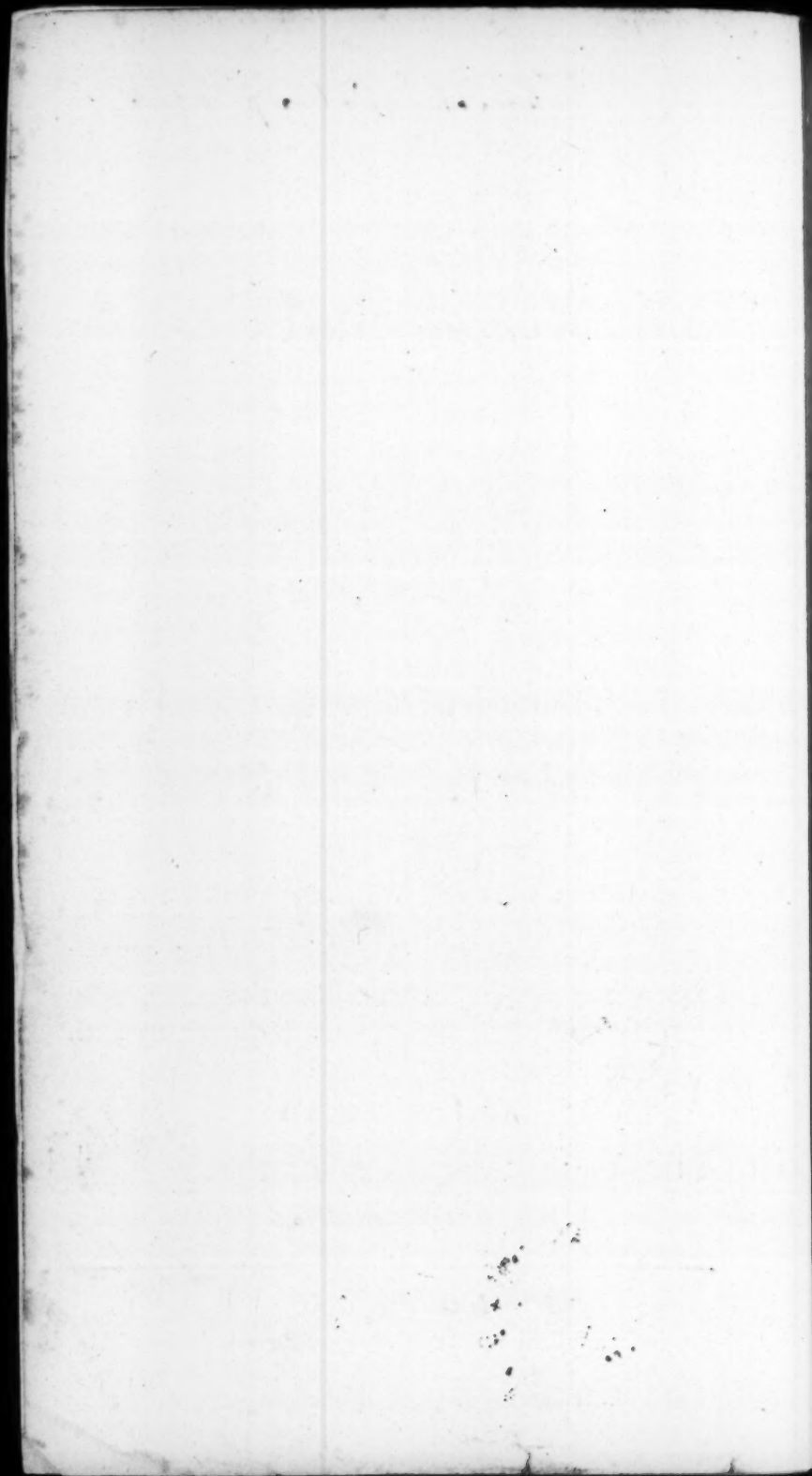
ADDRESSED TO

The Young *Members* of the present  
*Parliament*.

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L O N D O N

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T H E

P R E F A C E.

*Several Considerations led me to lay before the Publick a Translation of the following Fragment of POLYBIUS: The Principal of which was, the very great Satisfaction I received, as an Englishman, in finding the whole Reasoning of that excellent Author as applicable to our own Constitution, as to That, for which it was intended.*

*The great Advantages flowing from the happy Temper, and equal Mixture of the three Orders, for which he so justly celebrates the Roman Government, are all to be found in our own; with this Circumstance in our Favour, that our Situation, as an Island, forbids us either to fear, or aim at Conquests; by the gaining, as well as the suffering of which, that political Harmony is in Danger of being destroyed: By the Spoils of conquered*

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*Nations*

*Nations Cæsar was enabled to corrupt the Roman People, and bribe them to be the Instruments of their own Ruin, by erecting an absolute Monarchy in his Favour; which, growing, afterwards, wanton for Want of a Check from the other two Orders, and weak for Want of their Assistance, became, at last, a Prey to a barbarous Invader, often vanquished, and always despised, while the Ballance of all Three was preserved.*

*If my Countrymen will attentively consider every Argument, made Use of by POLYBIUS, to shew the Excellence of a Government founded on an equal Mixture of Monarchy, Aristocracy, and Democracy, they will, I dare say, have the same Satisfaction I enjoyed; that is, they will find the System of Policy, laid down by that great Man, in the following Dissertation on the Constitution of the Romans, to be a Description of the Advantages enjoyed under That of England.*

*I would not be thought to say this in Flattery to the Government, under which I was born, and hope to pass the Remainder*

der of my Life; not only my own Reason, but, what is of much greater Weight, even to my self, the Authority of the greatest Men of Antiquity convinces me that a Government mixed like Those of Sparta, Rome and England, is, of all others, the easiest, the securest, and the happiest to live under. If any of us are insensible of the Blessings we enjoy, I must think it owing to our being accustomed to them; Custom, I know, can both deaden the Sense of the greatest Misfortunes, and pall the Enjoyment of the greatest Blessings; and Custom may, possibly, make us view that State with Indifference, which all other Nations look upon with Envy. But this Indifference is far from being Epidemical; the Fears, the Jealousies of Innovations, all pardonable in a free State, however groundless, are to me a Proof, beyond Contradiction, that we love what we so much fear to lose. And how general must those Fears be, when it is popular only to pretend to fear?

In all free Governments there ever were, and ever will be Parties: We find that Sparta, Rome, Athens, and all the  
Greek

*Greek Colonies in Asia Minor had their Aristocratical, and Democratical Parties; while the only Contest among the Subjects of the Kings of Persia was, who should be the greatest Slaves. The Truth is, different Understandings, different Educations, and different Attachments must necessarily produce different Ways of thinking every where; but these will shew themselves in free Governments only, because there only they can shew themselves with Impunity. However, it was not the Existence of the two Parties I have mentioned, that destroyed the Liberties of any of those Cities, but the occasional Extinction of one of them, by the Superiority the other had gained over it: And, if ever we should be so unhappy as to have the Ballance between the three Orders destroyed; and that any one of the Three should utterly extinguish the other Two, the Name of a Party would, from that Moment, be unknown in England, and we should unanimously agree in being Slaves to the Conqueror.*

*Parties, therefore, are not only the Effect, but the Support of Liberty: I do*  
*not*

not at all wonder that they are perpetually exclaimed at by Those in Power: They may have, sometimes, Reason to be dissatisfied with the Parties themselves, but have much more to be so with the Heads of them; for These are properly their Rivals: The Bulk of the Party aims, generally, at no more than a Reformation of what they think an Abuse of Power; the others, at the Power it self, without considering the Abuse, unless it be to continue it: The Party quarrels with Things, and the Leaders with Persons; consequently, a Change of Measures may appease the first; but nothing less than a Change of Ministers can satisfy the last. However, in one Respect, these Leaders often give Ease to Ministers without designing it; for, as they generally attack them upon Personal, rather than National Points, their Followers are unconcerned in the Contest; and, considering themselves as Spectators, rather than Parties, do not think it incumbent on them to go great Lengths for the Choice of Ministers; especially, since by the Indifference their Leaders shew for  
National

*National Points, when they are aiming at Power (which is the Season for giving Hopes, as the gaining it is for disappointing them) their Followers have but little Reason to expect they will shew a greater Warmth for them, when they have attained the Possession of it.*

*But, whatever may be the Success of the Opposers, the Publick reaps great Benefit from the Opposition; since This keeps Ministers upon their Guard, and, often, prevents them from pursuing bold Measures, which an uncontrolled Power might, otherwise, tempt them to engage in: They must act with Caution, as well as Fidelity, when they consider the whole Nation is attentive to every Step they take, and that the Errors, they may commit, will not only be exposed, but aggravated: In the mean Time, a Thirst of Power, irritated by Disappointment, animates the Application of the Opposers to publick Affairs, infinitely more than the languid Impulse of National Considerations: By this Means, they grow able Statesmen, and, when they come to be Ministers, are not only capable of de-  
fending*



*sending bad Schemes, but, when they please, of forming good ones.*

*Another great Advantage, that accrues to the People from this Opposition, is, that each Party, by appealing to them upon all Occasions, constitutes them Judges of every Contest; and, indeed, to whom should they appeal, but to those, whose Welfare is the Design, or Pretence, of every Measure? and for whose Happiness the Majesty of Kings, the Dignity of Peers, and the Power of the Commons, were finally instituted. This is, undoubtedly, the End of their Institution, and this End it is their Glory, as well as Duty, to accomplish; for, what greater Honour can be done to the three Orders, of which our Government is so happily composed, than to look upon them as they really are, that is, as the Channels, through which Ease, Plenty, and Security are derived to millions of People?*

*I would not willingly do Injustice to Persons so useful, at all Times, to the Publick, whatever they may be to themselves, as the Heads of an opposing Party; but shall mention one Point, to which I will*  
*b* *appeal,*

*appeal, as to a Touchstone of their Conduct, and, by which, it will evidently appear whether it is influenced by personal, or National Considerations ; it is This:*

*There is not, I believe, in Great Britain, a Man, who is not convinced, nor a Man, not actually in the Administration, or, not expecting one Day to be in it, who will not own, that annual Parliaments are an effectual Cure for all the Evils, that are felt, feared, or complained of: If this is so evident a Truth, how comes it to pass that, for this last Century, that is, ever since an Opposition to a Ministry was made the Road to a Succession in it, that so National a Point has been neglected? How comes it to pass, I say, that so many successive Oppositions have never, in the warmest Season of their Contest, taken one Step to restore the People to a Right confirmed to them by more than one Act of Parliament, and supported by the Enjoyment of some hundred Years? Are the Heirs apparent to Ministers to be looked upon as the only Persons in the Nation, who are unacquainted with the Rights of the People?*

*Or*



Or the Champions of Liberty the only Persons unconcerned in the Defence of it? The Truth is, they all expect to be, one Day, Ministers themselves, and are sensible that annual Parliaments are so much the ancient Right of the People, so obviously conducive, if not essential, to their Security, their Dignity, and Power, that they are afraid any Attempt to restore them should prove successful; and, consequently, that, by breaking the Peoples Chains asunder, in Order to distress the Ministers, they should forge others for themselves, when they come to succeed them. Whenever there has been any Attempt to enact, or restore triennial Parliaments, it has ever been objected that triennial Parliaments would produce triennial Ministries; and they are afraid that annual Parliaments should also produce annual Ministries: Hinc illæ lachrymæ. But I see no Reason for these Fears; we don't find that, during the long Tract of Time the People enjoyed annual Parliaments, the Reign of good Ministers was shorter than since they have been deprived of that Right: And if, during that

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Period,

*Period, the Reign of bad Ministers was so, this becomes an accessional Reason for their being restored to it. But, say they, every thing will be so fluctuating under annual Parliaments, that no Nation will treat with you, no War can be prosecuted with Success: Have they then forgot that the Treaties of Bretigny, and Troyes were concluded, and the Victories of, Crecy, and Azincourt gained under the Auspices of annual Parliaments?*

*It is thought by many People that the Septennial Act was the severest Stab the Liberties of the People of England ever received: Indeed, the Circumstances of the Nation at the Time of its being enacted, were some Justification of it: There was then an actual Rebellion raised against a Prince, who, without Flattery, (which is seldom bestowed upon dead Princes) wanted nothing to be adored by his Subjects, but to be known to them; and who, by a peculiar Cast of good Qualities, seemed formed by Nature to reign over a free People. But, if these Circumstances, while they subsisted, were a Reason for enacting that Law, now they are*

are removed, they can be none for continuing it. I must, indeed, do one Set of Men the Justice to allow that they have shewed themselves of that Opinion, by endeavouring to restore triennial Parliaments: But that Attempt, if it had succeeded, would have proved a palliative Remedy only, not a Cure. Have not triennial Parliaments been already tried, and found ineffectual? Were not several essential Clauses in the Act of Settlement repealed, the Peace of Utrecht confirmed, and the Schism Act passed by triennial Parliaments?

It must be allowed that, in all free Governments, the oftner the collective Body of the People is resorted to, the oftner they will have legal Opportunities of reforming those Grievances, that will, from Time to Time, unavoidably, steal into the Legislative, as well as the executive Part of every Government; and, while they have legal Methods of Redress, they will never fly to those, that are not so. This would be the great Advantage of annual Parliaments: For, to suppose that the Representatives of the

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People

People will, at all Times, be as vigilant to discover, and as zealous to reform those Grievances, or as careful of their Conduct, in every other Respect, when they are independent of their Constituents for seven Years, as, when they annually depend upon their Approbation, is to suppose that Hopes and Fears have lost their Influence on the Minds of Men. On the other Side, if it should ever happen that the Representatives, encouraged by this Independence, should, instead of reforming Grievances, increase their Number, and become themselves the greatest Grievance; the People will, in that Case, have no legal Remedy, which is, in it self, contrary to the Nature of Government; it being ridiculous to imagine that the same Law, which provides a Remedy for every private Wrong, should provide none for Those of the Publick; or, that the whole Body of the People, for whose Sake the Law it self was instituted, should ever find themselves in such Circumstances, as to lose the Benefit of it. Yet, this must happen, if it be received as a standing Maxim of Law  
and

and Justice, that their Representatives, when once chosen for any Number of Years, let their Abuse of Power be never so glaring, have still a Right to sit out their Term, and, what is worse, to extend it as far as the Affairs of the Nation, or their own may require. If this be admitted, it must also be admitted that no Term can, by Law, be prescribed to their sitting, because they have still a Power, by Law, of extending that Term, and, consequently, of perpetuating themselves: This, however improbable, must, upon a Supposition of the Legality of the first Extention of the original Term, be allowed to be equally legal. From hence it appears how dangerous it is to remove the corner Stones of Government; and that, whenever they have been removed, either through Necessity, or Convenience, the first Opportunity ought to be laid hold of to restore them to their former Situation.

There is something so bewitching in Power, that, without very compulsive Laws, Men are not easily brought to resign it: This Tenaciousness of Power has filled all Histories, both ancient, and modern,

dern, with Attempts made to extend it beyond the Term, for which it was originally delegated. Thus, the last Roman Decemvirs, though chosen by their Country but for a Year, prolonged their Term by their own Act, and retained the Power they had usurped, 'till the People forced it out of their Hands, and punished them severely for their Usurpation, and their

Liv. 3. B. Memory stands branded in History with all  
Dionys. the Infamy it deserves : While the Names  
Hal. 11. B. of Valerius, and Horatius, under whose Conduct the People recovered their Right of electing annual Magistrates, are celebrated by their Historians with all the Praises, that Gratitude can yield, or Merit claim ; Monuments more lasting than Brass, or Marble : Those no Storms can overturn, no Flight of Time deface ; still are their Praises read by applauding Nations, who look upon those worthy Patriots, as the Benefactors, not of their own Country only, but of all Mankind.

The same Attempt met with, I will  
Amelot de not say, deserved a better Fate at Venice,  
la Houff- where, in the Year 1298, an Act passed  
saie. Hist. du Gou- in the great Council, which, till then, was  
vern. de annually  
Ven.



annually chosen by the People, that all those, of which it was that Year composed, or who had been Members of it for the four last Years, should, upon their obtaining twelve Voices in the Council of Forty, be themselves, and their Posterity, for ever after, Members of it; and that all the other Citizens should be, for ever, excluded from the Administration of publick Affairs. From this Time, the People of Venice, like all others under the like Circumstances, have found how dangerous it is to be useless, and that, to have no Share in the Government, is to be a Prey to Those who have.

Many are the Expedients, Gentlemen have been driven to, in Order to supply the Want of annual Parliaments; such as the Pension Act, the Act for disabling those, who have accepted Employments, from sitting in the House unless they are re-elected, and some others of the like Tendency: All which are, no Doubt, very well calculated to answer the Ends, for which such Bills are generally brought in, that is, to defame the Ministry, if they are not passed, and to distress them, if they

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they are. But, I believe, the People have received no great Benefit from any of these Expedients. In this I am the more confirmed, because the Promoters of them are so loud in their Complaints of such Abuses, as could not, possibly, be committed, if these Laws were effectual: Their Complaints, therefore, must be looked upon as an Acknowledgement that they are not so; and, if these Gentlemen persist in applying Remedies, which they themselves know to be ineffectual, the Nation will have Reason to complain in their Turn, and to say that they treat them as some Physicians treat their Patients, that is, that they chuse rather to prescribe, than cure. As to the Place Bill, the People have a Kind of Right to have That go Hand in Hand with the Bill for annual Parliaments; since, among others Clauses of Nolumus formerly inserted in the Writs of Summons, we find the following one, Nolumus autem quod aliquis de re-tinentia Domini nostri Regis aliqualiter sit electus.

White-  
lock's Me-  
mo. p. 432.

The People of Rome, Sparta, and Athens were not represented; but appeared in a  
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collective Body, whenever any Thing was to be laid before them. This Method of taking the Sense of the whole Body of the People, upon every Occasion, might not be subject to great Inconveniences either at Sparta, or Athens, by Reason of the small Extent of their respective Territories, which, though very populous, contained but few Inhabitants: But, at Rome, whose Dominions were so extensive, and its Citizens so numerous, I think it must have been subject to many, particularly, to one of these two; either all the Roman Citizens, who were not actually engaged in the Service of the Commonwealth, must have come up from the most distant Parts of the World, at every Meeting of the People, or the whole Power must have devolved upon the Inhabitants of the City, and Neighbourhood of Rome: I own, I have never met with any Complaints of either of these Inconveniences in any of their Authors, and yet the Alternative seems unavoidable. For which Reason, notwithstanding the great Deference, which is undeniably due to the Wisdom of their Institutions, I can-

not help thinking that a Representative, under proper Regulations, answers all the Purposes of the Peoples voting in a collective Body, and is subject to none of the Inconveniences of it. But, to effect this, two Things seem to be necessary; the first, that the People be annually represented, to the End they may have, annually, an Opportunity of confirming, or reforming their Choice; the second is, that they be equally represented, for a People unequally represented, will, of Course, be unequally taxed. This is a Mischief, all modern Governments are more, or less, subject to, because none of them have been so wise as to follow the Example of the Romans, in establishing a general Register: This, perhaps, may not be practicable, at least, not adviseable in a trading Country; since Credit, which is the Life of Commerce, and subsists by Opinion, would be very much impaired, if not destroyed, by Certainty; and, if every Man's Circumstances were known, a Merchant would no longer have it in his Power, by making Use of other Peoples Fortune, to raise his own, and grow rich,  
by

by being thought so. But, to apply what I have said, in a particular Manner, to our own Affairs, I will appeal even to those Gentlemen, who find their Advantage in this National Misfortune, I mean the Inequality of the Land Tax, whether it has not, in a great Measure, been the Occasion of this immense Load of Debts, under which we, at present, labour; I think it past Dispute that this Inequality has contributed to it more Ways than one; in the first Place, it has, frequently, made it necessary to have Recourse to other Funds, in Order to raise those Sums, which the Land Tax alone, if equally levied, would have annually produced. Secondly, this Inequality in levying the Land Tax has often put Ministers upon raising Money by more equal Methods; that is, finding it impracticable to raise the Sums required by such Means, as all People ought to contribute to in Proportion to their Possession, they have been obliged to raise them by such, as all must contribute to in Proportion to their Consumption. This has obliged them to create new Funds, to extend the old, and  
 apply

*apply the sinking Fund, the Nation's only Hope, to Purposes very different from Those, to which it was originally appropriated. These, and many more Mischiefs would be cured, if the People of England were annually, and equally represented; and, if ever we are so happy as to see the Promises, made by Gentlemen, while they are opposing publick Measures, performed, when they come to have the Conduct of them; and Power administered with the same Spirit, by which it was acquired; the Nation then will, no Doubt, have Justice done them in these two important Points; the obtaining of which would, in my Opinion, render our Constitution more perfect than any, that has yet appeared either in the ancient, or modern World. In the mean Time, and untill these two accomplishing Regulations shall take Place, we may have the Satisfaction of considering both how near our Government is arrived to Perfection, and how fair a Prospect it has of attaining it.*

*The following Reason also did not a little contribute to my publishing this*  
*Transla-*

*Translation: I observed with Pleasure the great Success, the Life of Cicero has deservedly met with, and the happy Turn, it has given to Conversation by banishing the Trifles, that were, before, the unworthy Subjects of it, and substituting in their Room an Enquiry into the Constitution, the Language, and Customs of a People designed by Fate to conquer, polish and instruct Mankind. As a Taste for Learning does Honour to every Nation, where it flourishes, it is the Duty of all Persons to endeavour to revive that Taste, where it is lost, and to preserve, and improve it, where it subsists; and nothing can contribute so effectually towards that End as a constant Supply of fresh Materials; but on the Choice of these depends the Success: Scarce any Thing has, of late, been offered to the Publick, upon this Subject, but mean Translations of French Performances, which, though every Branch of Learning is much indebted to the Productions of that Nation, have generally more Vivacity, than Solidity: This Vivacity, the Property of which is to entertain, rather*

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*than*

than to instruct, has rendered their Translations of the ancient Authors so loose, they hardly deserve that Name; one of the best, and most esteemed is That of POLYBIUS by Dom Vincent Thuillier: If I have found my self obliged to take Notice of some Inaccuracies, that have escaped him, it has been less with a View of censuring his Translation, than of justifying my own. The Difficulty of doing Justice to the great Authors of Antiquity, by a Translation of their Works into a modern Language, is so great, that I am infinitely more disposed to admire his Work for the many Excellencies, with which it abounds, than to censure it for a few Faults, which may be owing to a little Inattention, or to the Condition of human Nature, whose Fate it is never to be perfect; but these Errors are so rarely to be met with in that Performance, that they lie among the many Beauties of it, like a few Pebbles, wantonly scattered by the Hand of Nature, in a Mine of Diamonds.

But there is another Difficulty, which a Translator of POLYBIUS has particular-  
ly



ly to encounter, and which I shall mention more for my own Sake, than for That of the French Translator, because I may, possibly, have greater Occasion for the Excuse : This Difficulty arises from the Style of that Author ; which, notwithstanding the Unwillingness of Casaubon, and of the French Translator to own it, is not so elegant, and perspicuous as might be wished : It is very well known that he has been censured for a Want of Attention to the Beauties of Style by one of the greatest Criticks, as well as one of the greatest Historians of Antiquity, I mean Dionysius of Halicarnassus ; and it is certain there are many Words, made Use of by Polybius, that are not to be met with in any other Author, and many Words made Use of by him in a Sense, no other Author gives them : This, joined to an Obscurity, either natural, or affected, makes the reading him very difficult, and the translating him much more so. I have often wished that so complete an Historian, in all other Respects, and one, whose Sense is so strong, and Com-

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*pass of Learning so great, had written with as great Elegance, and Harmony of Style, as the Author, who, in my Opinion, so justly censures him for the Want of them.*

*In my Notes upon the Fragment of Polybius, I did not take any Notice of an English Translation of that Author by Sir H. S. because, upon comparing it with the Greek Text, and Casaubon's Latin Version, which is by much the best, I found it to be a Translation of neither; for which Reason, I violently suspect the Author has translated some old Translation published before Casaubon's Edition appeared; which I am the rather inclined to believe, because there are two Hiatus's in the English Translation of this Fragment, which are not in the Greek Text, one answering to Page 462, in Casaubon's Edition, of two Lines, and the other to Page 464, of no less than 56 Lines.*

*In the Dissertation upon the Constitution of the Roman Senate, I took Notice of the many Difficulties I met with in treating that Subject: To what was there observed,*



observed, I beg Leave to add the following Consideration. Every one who reads at all, must have read the Memorial written by the late Earl Stanhope to the Abbé de Vertot, Author of the Roman Revolutions: In that Memorial, his Lordship states several Difficulties relative to the Persons, of whom the Roman Senate was composed: This Memorial, that Gentleman answers in such a Manner, as shews that, if he did not think those Difficulties unanswerable, he left them, at least, unanswered; so that, whoever reads his Answer to that Memorial, will, I believe, receive very little Satisfaction, unless it be in reflecting that the Praises so liberally bestowed, upon that Occasion, by the Writer of that Answer, were as eminently deserved by the Noble Lord, to whom it was written. What I would infer from this, is, that, if a Person, who was so perfectly acquainted with the civil, as well as military Institutions of the Ancients, as the late Earl Stanhope, and who had passed his Life in studying the Actions, or following the Example,

of

*of the greatest Men of Antiquity ; if a Person, I say, so well qualified to decide, could doubt, and the Author of the Roman Revolutions not satisfy those Doubts ; I hope I may be intitled to some Indulgence, should not every Difficulty, a curious Reader may form to himself, be fully answered in that Dissertation.*

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Τὰ τῶν πολίτευμάτων εἶδη· ἡ γένεσις καὶ κατὰ φύσιν μεταβολὴ τῶν πολιτειῶν εἰς ἀλλήλας. ὅτι ἀρίστη πολιτεία ἡ ἐκ πάντων τῶν εἰδῶν συνεσῶσα. καὶ ὅτι ἡ τῶν Ρωμαίων ἐστὶ τοιαύτη.

**Τ**ΩΝ μὲν γὰρ Ἑλληνικῶν πολιτευμάτων ὅσα πολλάκις μὲν ἡύξεται, πολλάκις δὲ τῆς εἰς τἀναντία μεταβολῆς ὁλοσχερῶς πείραν εἴληφε, ῥαδίαν εἶναι συμβαίνει καὶ τὴν ὑπὲρ τῶν προτεγονότων ἐξηγήσιν, καὶ τὴν ὑπὲρ τῆς μέλλοντος ἀποφασιν. τό, τε γὰρ ἐξαγείλαι τὰ γινωσκόμενα ῥαδίον· τό, τε προειπεῖν ὑπὲρ τῆς μέλλοντος, σοχαζόμενον ἐκ τῶν ἤδη γεγονότων, εὐμαρές. περὶ δὲ τῆς Ρωμαίων ἐδ' ὅλως εὐχερές, ἔτε περὶ τῶν παρόντων

τῶν

*Of the several FORMS of  
GOVERNMENT: Of the  
Origin, and natural Transition of  
those Governments to one another: That  
the best Constitution is That, which is  
compounded of all of them; and that  
the Constitution of the Romans is such  
a one.*

CONCERNING those Greek Common-wealths, which have often encreased in Power, and often, to their Ruine, experienced a contrary Turn of Fortune, it is an easy Matter both to relate past Transactions, and foretel those to come; there being no great Difficulty, either in recounting what one knows, or in publishing Conjectures of future Events, from those that are past. But concerning the Roman Commonwealth, it is not at all easy, either to give an Account of the present State of

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their

των ἐξηγήσασθαι, διὰ τὴν ποικιλίαν τῆς πολίτειας· ἔτε περὶ τῶ μέλλοντος προειπεῖν, (I) διὰ τὴν αἵνοιαν τῶν προειρονότων περὶ αὐτὰς ιδιωμάτων καὶ κοινῇ καὶ κατ'ιδίαν. Διόπερ, ὃ τῆς τυχεύσης ἐπιστάσεως προσδεῖται, καὶ θεωρίας, εἰ μέλλοι τις τὰ διαφέροντα καθαρῶς ἐν αὐτῇ συνόψεσθαι.

Συμβαίνει δὴ τὰς πλείους τῶν βουλομένων διδασκαλικῶς ἡμῖν ὑποδεικνύειν περὶ τῶν τοιούτων, τρία γένη λέγειν πολιτειῶν· ὧν τὸ μὲν καλεῖται βασιλείαν, τὸ δ' ἀριστοκρατίαν, τὸ δὲ τρίτον δημοκρατίαν. δοκεῖ δέ μοι πάνυ τις εἰκότως ἀν' ἐπαπορῆσαι πρὸς αὐτὰς, πότερον ὡς μό-

νας

(1) Διὰ τὴν αἵνοιαν ἢ προειρονότων περὶ αὐτὰς ιδιωμάτων καὶ κοινῇ καὶ κατ'ιδίαν.] Dom Vincent Thuillier, the French Translator, has render'd this, *parce que l'on ne connoît point assez comment elle se conduisoit autrefois soit dans les affaires générales, soit dans les particulières*, which I do not take to be the Sense of the Author,

since

their Affairs, by Reason of the Variety of their Institutions; or to foretel what may happen to them, through the Ignorance of the peculiar Frame of their Government, both publick and private, upon which such Conjectures must be founded. For which Reason, an uncommon Attention and Enquiry seem requisite, to form a clear Idea of the Points, in which the Roman Commonwealth differs from Those of Greece.

It is, I find, customary with those, who professedly treat this Subject, to establish three Sorts of Government; kingly Government, Aristocracy, and Democracy: Upon which, one may, I think, very properly ask them, whether they

since *ἰδιώματα* must, I believe, be understood to relate to the *peculiar Frame* of the Constitution of the Romans, and not to the Conduct of their Affairs. But, the best Way of illustrating an Author's Meaning is to explain him by himself: Towards the End of this Dissertation, POLYBIUS says, the Romans attained whatever they proposed, *through the peculiar Frame of their Government*, where he makes Use almost of the same Word he employs upon this Occasion; *τὸ ἰδιώμα τὸ πολιτικόν*. In this I am supported by Casaubon's Translation.



νας ταύτας, ἢ καὶ νῆ Δί' ὡς ἀρίστας ἡμῖν  
 εἰσηγῆναι τῶν πολιτειῶν. καὶ ἀμφοτέρω  
 γὰρ ἀγνοεῖν μοι δοκᾷσι· δῆλον γὰρ, ὡς  
 ἀρίστην μὲν ἡγήτεον πολιτείαν τὴν ἐκ πάν-  
 των τῶν προειρημένων ιδιωμάτων συνεσῶ-  
 σαν. τῷ γὰρ τῷ μέρτι ἐλπίω μόνον, ἀλλ'  
 ἔργῳ πεῖραν εἰλήφαμεν. Λυκάρχῳ συστήσαντος  
 πρώτῃ κατὰ τῷτον τὸν τρόπον τὸ Λακεδαι-  
 μονίων πολίτευμα. Καί τοι ἐδ' ὡς μόνας  
 ταύτας προσδεχέον· καὶ γὰρ μοναρχικὰς καὶ  
 τυραννικὰς ἤδη τινὰς τεθεάμεθα πολιτείας,  
 αἱ πλεῖστον διαφέρουσιν βασιλείας, παρα-  
 πλήσιον ἔχειν τι ταύτῃ δοκᾷσιν· ἢ καὶ συμ-  
 ψεύδοντα καὶ συγχρῶναι πάντες οἱ μοναρχοὶ  
 καθ' ὅσον οἰοῖ τ' εἶσι, τῷ τῆς βασιλείας  
 ὀνόματι. Καὶ μὲν ὀλιγαρχικὰ πολιτεύματα  
 καὶ πλείω γέγονε, δοκᾷσι παρόμοιον ἔχειν  
 τι τοῖς ἀριστοκρατικοῖς, ἀ πλεῖστον, ὡς  
 ἔπος εἰπεῖν, διεσῶσιν. ὁ δ' αὐτὸς λόγος  
 καὶ περὶ δημοκρατίας.

Οτι



lay these down as the only Forms of Government, or, as the best : For, in both Cases, they seem to be in an Error ; since it is manifest that the best Form of Government is That which is compounded of all three. This we not only find to be founded in Reason, but also in Experience ; LYCURGUS having set the Example of this Form of Government in the Institution of the Lacedæmonian Commonwealth. Besides, these three are not to be received as the only Forms ; since we may have observed some monarchical and tyrannical Governments, which, though widely different from kingly Government, seem still to bear some Resemblance to it. For which Reason, all Monarchs agree in using their utmost Endeavours, however falsely, or abusively, to be styled Kings. We may have also observed still more Oligarchies, which seemed, in some Degree, to resemble Aristocracies, though the Difference between them has been extremely great. The same Thing may be said also of Democracy.

What

Ὅτι δ' ἀληθές ἐστι τὸ λεγόμενον, ἐκ  
 τούτων συμφανές. ἔτε γὰρ πᾶσαν δῆτε  
 μοναρχίαν εὐθέως βασιλείαν ρητέον· ἀλ-  
 λὰ μόνην τὴν ἐξ ἐκόντων συλχωρεμένην,  
 (2) καὶ τῇ γνώμῃ τὸ πλεῖον, ἢ φόβῳ καὶ  
 βίᾳ κυβερνωμένην. ἐδὲ μὴν πᾶσαν ὀλι-  
 γαρχίαν ἀριστοκρασίαν νομισέον· ἀλλὰ  
 ταύτην ἢ τις ἂν κατ' ἐκλογὴν ὑπὸ τῶν δι-  
 καστολάτων καὶ φροσιμαλάτων ἀνδρῶν βρα-  
 βευῇται. (3) Παραπλησίως ἐδὲ δημο-  
 κρασίαν

(2) Καὶ τῇ γνώμῃ τὸ πλεῖον, ἢ φόβῳ καὶ βίᾳ κυβερνωμένην.] I am obliged to differ both from Casaubon, and the French Translator, in rendering this Passage. The former has said, *Est quæ Consilio potius quàm metu aut vi regitur*; and the latter, *Est où tout se fait plutôt par raison que par crainte, Est par violence*. In the first Place, I doubt whether γνώμη is to be met with, in the Sense they have given it, in any good Author; whereas, there is nothing so common as to find the Word made use of for Consent or Approbation, whence come these Phrases, κατὰ γνώμην, according to one's Desire; ἐναντίον γνώμην, contrary to one's Desire; and, particularly, ἐν μιᾷ γνώμῃ, unanimously. Secondly, this Sense of the Word γνώμη seems to agree better with what immediately precedes it, ἐξ ἐκόντων συλχωρεμένην, and to be more properly opposed to what immediately follows it, φόβῳ καὶ βίᾳ. (3)

What I have advanced, will become evident from the following Considerations; for, every Monarchy is not presently to be called a kingly Government, but only That, which is the Gift of a willing People, and is founded on their Consent, rather than on Fear and Violence. Neither, is every Oligarchy to be looked upon as an Aristocracy, but only That, which is administered by a select Number of those, who are most eminent for their Justice and Prudence. In the same Manner, that Government ought not to be looked upon as a Democracy,

(3) Παρεμπλησίως ἰδὲ δημοκρατίαν, ἐν ᾗ πᾶν πλῆθος κύριόν ἐστι ποιεῖν ὃ, τί ποί' αὐτὸ βυληθῇ ἢ πρόβῃ. καὶ ᾧ πατέρων ἐστὶ καὶ σωόντων θεὸς σέβεται, γονεὺς θεοσπόδιν, πρεσβυτέρους αἰδεῖται, νόμοις πείθεται.] The French Translator has strangely mistaken this Passage; he has not attended to the Force of the Particle ᾧ, by which, POLYBIUS has placed the latter Part of this Period in Opposition to the former; but, the only Way to make the Reader sensible of this Mistake, is to quote the Words of the French Translation. *En vain aussi, says he, donneroit-on le nom de Démocratie à un Etat, où la populace seroit maîtresse de faire tout ce qu'il lui plairroit, & où l'on seroit depuis long tems dans l'usage de révéler les Dieux, d'être soumis à ceux dont on tient le jour, de respecter les anciens, & d'obéir aux loix: ou*

κρατίαν, ἐν ἣ πάν πληθος κύριόν ἐστι ποι-  
εῖν ὅ, τί ποτ' ἀν αὐτὸ βεληθῇ ἢ πρόθῃται·  
παρὰ δὲ ὧ πάτριόν ἐστι ἢ σύνηθες θεὸς  
σέβεσθαι, γονεῖς θεραπεύειν, πρεσβυτέρους  
αἰδεῖσθαι, νόμοις πείθεσθαι· ἀλλὰ παρὰ  
τοῖς τοιούτοις συστήμασιν, ὅταν τὸ τοῖς  
πλείοσι δοῖται νικᾶ, τῷτο δεῖ καλεῖν δη-  
μοκρατίαν.

Διὸ ἢ γένη μὲν ἐξ εἶναι ῥητέον πολι-  
τειῶν· τρία μὲν αὖ πάντες θρυλλᾷσι, ἢ  
νῦν προσείρηται· τρία δὲ τὰ τέτοις συμ-  
φυῇ, λέγω δὲ μοναρχίαν, ὀλιγαρχίαν,  
ὀχλοκρατίαν. πρώτη μὲν ἔν ἀκαλασκεύως  
ἢ φυσικῶς συνίσταται μοναρχία· ταύτῃ  
δ' ἐπελαι ἢ ἐκ ταύτης γεννᾶται μετὰ  
καλασκευῆς ἢ διορθώσεως βασιλεία. με-  
ταβαλλέσσης δὲ ταύτης εἰς τὰ συμφυῇ

κακᾷ,

ne doit appeller Démocratie qu'un Etat, où le sentiment  
qui l'importe sur les autres est celui du plus grand Nom-  
bre. So that, according to him, Religion, a Respect  
to

cracy, where the Multitude have a Power of doing whatever they desire and propose; but That only, in which it is an established Law and Custom to worship the Gods, to honour their Parents, to respect their Elders, and obey the Laws; when, in Assemblies so formed, every Thing is decided by the Majority, such a Government deserves the Name of a Democracy.

So that, six Kinds of Government must be allowed; three, which are generally established, and have been already mentioned; and three, that are allied to them, namely, Monarchy, Oligarchy, and the Government of the Multitude. The first of these is instituted by Nature, without the Assistance of Art: The next is kingly Government, which is derived from the other by Art, and Improvement; when this degenerates into the Evil, that is allied to it, I mean,

to Parents and Elders, and Obedience to the Laws, are as repugnant to Democracy as Licentiousness: But, this is far from being the Sense of POLYBIUS, as the Reader will find, if he pleases to compare the French Translation with the Original.

κακὰ, λέγω δὴ εἰς τυραννίδα· (4) αὐθις  
 ἐκ τῆς τέτων κατὰλύσεως, ἀριστοκρατία  
 φύεται. ἢ μὴν ταύτης εἰς ὀλιγαρχίαν  
 ἐκτραπείσης κατὰ φύσιν, τῇ δὲ πλήθους  
 ὀργῇ μελεθόντῃ τὰς τῶν προεσώτων ἀ-  
 δικίας, γεννᾶται δῆμον. ἐκ δὲ τῆς τέ-  
 τε πάλιν ὕβρεως, ἢ παρανομίας, ἀπο-  
 κληθεῖται σὺν χρόνοις ὀχλοκρατία.

Γνοίη δ' ἂν τις σαφέστατα περὶ τέτων,  
 ὡς ἀληθῶς ἐσιν, οἷα δὴ νῦν εἶπον, ἐπὶ  
 τὰς ἐκάστων κατὰ φύσιν ἀρχὰς ἢ γενέ-  
 σεις ἢ μεταβολὰς ἐπισήσας. ὁ γὰρ συ-  
 νιδὼν ἕκαστον αὐτῶν ὡς φύεται, μόνον  
 ἂν ἔσθῃ δύναμις συνιδεῖν ἢ τὴν αὐξήσει,  
 ἢ τὴν ἀκμὴν, ἢ τὴν μεταβολὴν ἐκάστων,

(4) Αυθις ἐκ τῆς τέτων κατὰλύσεως ἀριστοκρατία φύεται.]  
 De la Monarchie vient la Royauté, lorsqu'on y ajoute  
 l'art & qu'on en corrige les défauts ; & quand elle dégé-  
 nère en Tyrannie, dont elle approche beaucoup, sur les  
 ruines de l'une & de l'autre se lève l'Aristocratie. The  
 French



Tyranny, the Destruction of the Tyrant gives Birth to Aristocracy ; which, degenerating also, according to the Nature of Things, into Oligarchy, the People, inflamed with Anger, revenge the Injustice of their Magistrates, and form a Democracy ; from the Insolence of which, and their Contempt of the Laws, arises, in Time, the Government of the Multitude.

Whoever examines, with Attention, the natural Principles, the Birth, and Revolution of each of these Forms of Government, will be convinced of the Truth of what I have advanced : For he alone, who knows in what Manner each of them is produced, can form a Judgment of the Encrease, the Perfection, the Re-

French Translator has render'd this, as if *τέτων* related both to kingly Government and Tyranny, the Destruction of *both which* gives, according to him, Birth to Aristocracy ; but, this is not the Gradation set forth by POLYBIUS: First, Monarchy is improved into kingly Government, which afterwards degenerates into Tyranny, then, the Destruction of Tyranny gives Birth to Aristocracy ; thus, it is visible that both according to the Sense, and the Construction, *τέτων* can relate to *συμφυῖ κακὰ* only, that is, as our Author himself explains it, to Tyranny.

volution,

ἢ τὸ τέλῳ, πότε ἢ πῶς, (5) ἢ πᾶ  
καλάνησει πάλιν. Μάλισα δὲ ἐπὶ τῆς  
Ρωμαίων πολιτείας τῷτον ἀεμόσειν τὸν  
τρόπον ὑπέειληφα τῆς ἐξηγήσεως, διὰ τὸ  
καλὰ φύσιν αὐτὴν ἀπ' ἀρχῆς εἰληφέναι  
τὴν τε σύσασιν ἢ αὐξήσιν.

Ακριβέστερον μὲν ἔν ἴσως ὁ περὶ τῆς  
καλὰ φύσιν μελαβολῆς τῶν πολιτειῶν εἰς  
ἀλλήλας, διευκρινεῖται λόγῳ παρὰ Πλά-  
τωνι, καὶ τισιν ἑτέροις τῶν φιλοσόφων.  
(6) ποικίλῳ δὲ ὦν ἢ διὰ πλειόνων λε-  
γόμενῳ, ὀλίγοις ἐφικλός ἐσιν. διόπερ  
ὅσον ἀνήκειν ὑπολαμβάνομεν αὐτῷ πρὸς  
τὴν πραγματικὴν ἰσορίαν, ἢ τὴν κοινὴν ἐ-  
πίνοιαν, τῷτο πειρασόμεθα κεφαλαιωδῶς  
διελθεῖν. ἢ γὰρ ἂν ἐλλείπειν τι δόξη  
διὰ

(5) Καὶ πᾶ καλάνησει πάλιν.] *En quelle forme il se changera*, is much too general, in my Opinion; POLYBIUS speaks of the Rotation of Governments, and of their Return to the same Point, from whence they set out. This he expresses a few Lines after in other Words,

volution, and End of each; and when, by what Means, and to which of the former States they will return. I thought this Detail, in a particular Manner, applicable to the Roman Government, because the Establishment and Encrease of That was, from the Beginning, founded on Nature.

Possibly, the natural Revolution of Governments into one another, may be more accurately determined by PLATO, and some other Philosophers; but those Discourses, being full of Variety, and of a great Length, few are capable of understanding them; for which Reason, we shall endeavour to give a summary Account of so much of them, as is consistent with History (whose Object is Action) and the general Understanding of Mankind; for, if, by Reason of the Universality of this Dissertation, any Thing should seem to be omitted, the

Words, viz. περὶ τῆς φύσιν μεταβολῆς τῶν πολιτειῶν εἰς ἀλλήλας; which the French Translator has again rendered generally by *changement des Etats*.

(6) Ποικίλας δὲ αὖν.] Left out by the French Translator.

particular

διὰ τῆς καθολικῆς ἐμφάσεως, ὁ κατὰ μέ-  
 ρους τῶν ἐξῆς ρηθσομένων ικανὴν  
 ἀναπόδοσιν ποιήσει τῶν νῦν ἐπαπορηθέν-  
 των.

Ποίας ἔν ἀρχὰς λέγω, καὶ πόθεν φημι  
 φύεσθαι τὰς πολιτείας πρῶτον; Οἷαν ἢ  
 διὰ κατακλυσμῶν, ἢ διὰ λοιμικῶν περι-  
 σάσεις, ἢ δι' ἀφορείας καρπῶν, ἢ δι' ἄλ-  
 λας τιαύτας αἰτίας φθορὰ γένηται τῇ  
 τῶν ἀνθρώπων γένει, οἷας ἤδη γεγονέναι  
 παρειλήφαμεν, καὶ πάλιν πολλάκις ἔτε-  
 σθαι ὁ λόγος αἰρεῖ. τότε δὲ συμφθειρο-  
 μένων πάντων τῶν ἐπιηδευμάτων, καὶ τεχ-  
 νῶν, ὅταν ἐκ τῶν περιλειφθέντων οἷον ἐκ  
 σπερμάτων αὐθις αὐξηθῇ σὺν χρόνῳ πλη-  
 ϑῇ ἀνθρώπων, τότε δὴ πρῶτον, καθάπερ ἐπὶ  
 τῶν ἄλλων ζώων, καὶ ἐπὶ τῶν συναθροί-  
 ζομένων, ὅπερ εἰκὸς κατὰ τῆς τοῦ οἰό-  
 φυλον συναγελάζεσθαι διὰ τὴν τῆς φύ-  
 σεως ἀσθένειαν· ἀνάγκη τὸν τῇ σωματικῇ  
 ῥώμῃ καὶ τῇ ψυχικῇ τόλμῃ διαφέροντα,  
 τῶν

particular Detail we shall afterwards enter into, will make sufficient Amends for what may now appear doubtful.

What, therefore, are the Beginnings of Governments, and from whence do they originally spring? When, either by a Deluge, a Pestilence, a Famine, or the like Calamity, such as we know have happened, and Reason teaches us will often happen again, the Race of Mankind is well nigh destroyed, and all their Institutions and Arts destroyed with them; from the few that are left, as from so many Seeds, a new Generation, in Process of Time, encreases to a Multitude; then it comes to pass, as in other Animals, so in Men, when they are got together (which it is reasonable to suppose they would be, as they are of the same Kind, by Reason of their natural Weakness) that he, who excels in Strength of Body and Courage, must, of Necessity, gain the Command and Authority over the rest: And, as in Animals of other Kinds also, which are

D

not

τέτων ἡγεῖσθαι, καὶ κρατεῖν· καθάπερ καὶ ἐπὶ  
 τῶν ἄλλων γενῶν (7) τῶν ἀδοξοποιήτων  
 ζώων θεωρούμεν. τῷτο χρηὸ φύσεως ἔργον  
 ἀληθινώτατον νομίζειν· παρ' οἷς ὁμολογ-  
 μένως τὰς ἰσχυροτάτας ὀρώμεν ἡγεμένους·  
 λέγω δὲ ταύρας, κάπρας, ἀλεκτρυόνας,  
 καὶ τὰ τέτοις παρὰπλήσια. τὰς μὲν οὖν ἀρ-  
 χὰς εἰκὸς τοιούτους εἶναι καὶ τὰς τῶν ἀν-  
 θρώπων βίβας ζωηδὸν συναθεροζομένων,  
 τοῖς ἀλκιμωτάτοις καὶ δυναμικωτάτοις ἐπο-  
 μένων. οἷς ὅςθ' μὲν ἐστὶ τῆς ἀρχῆς ἰσχύς·  
 ὄνομα δ' ἂν εἴποι τις μοναρχίαν. ἐπει-  
 δὲν δὲ τοῖς συσῆμασι διὰ τὸν χρόνον  
 ὑπογέννηται συνήθεια καὶ συνήθεια, τότε  
 ἀρχὴ βασιλείας φύεται· καὶ τότε πρῶ-  
 τως ἔννοια γίνεσθαι τῷ καλῷ καὶ δικαίῳ τοῖς  
 ἀνθρώποις, ὁμοίως δὲ καὶ τῶν ἐναντίων  
 τέτοις·

(7) Τῶν ἀδοξοποιήτων ζώων.] This Word, like ma-  
 ny others in POLYBIUS, is not to be found in any  
 Lexicon, either ancient, or modern, that I have seen;  
 nor, I believe, in any other Author; but, as it is  
 formed



not influenced by Opinions, but by the Instinct of Nature alone, we observe the same Thing commonly falls out, This ought to be looked upon as the most genuine Work of Nature: Among these the strongest are, by common Consent, allowed to be the Masters; such as Bulls, wild Boars, Cocks, and Animals of the like Nature: In the same Manner, it is probable that Men also, when they first get together, like a Herd, are governed by those of the greatest Strength and Courage; the Measure of whose Power is Strength, and their Government, Monarchy. When the Individuals, thus assembled, by living together, become, through Time, habituated to one another, then is the Foundation laid of Kingly Government, and then do Mankind receive the first Tincture of Honour and Justice, and of their Opposites: the No-

formed from  $\delta\acute{o}\xi\alpha$  and  $\pi\alpha\rho\acute{\iota}\omega$ , with the negative Particle placed before it, it can mean nothing but those Animals, that are not governed in their Actions by Opinions; which Sense, I think, the French Translator ought to have expressed, and not have contented himself with saying negatively, *qui certainement ne suivent que ses loix*; that is, *celles de la Nature*, which immediately precedes it.

(8) τέτοις. ὁ δὲ τρόπος τῆς ἀρχῆς, καὶ τῆς γενέσεως τῶν εἰρημένων τοιόσδε.

Πάντων γὰρ πρὸς τὰς συνουσίας ὁρμώντων κατὰ φύσιν, ἐκ δὲ τέτων παιδοποιίας ἀποτελεσμένης· ὅποτε τις τῶν ἐκτραφέντων εἰς ἡλικίαν ἰκόμενος, μὴ νέμοι χάριν, μηδ' ἀμύναι τέτοις οἷς ἐκτραφείη· ἀλλὰ που τὰναντία κακῶς λείπει ἢ δεῖν τέτοις ἐλχειροῖν· δηλον ὡς δυσαρρεεῖν καὶ προσκόπῃν εἰκὸς τῆς ἐνόησας καὶ συνιδούσας τὴν γεγεννημένην ἐκ τῶν γεννησάντων ἐπιμέλειαν, καὶ κακοπάθειαν περὶ τὰ τέκνα καὶ τὴν τέτων θεραπείαν καὶ τροφήν.

τῶ

(8) Ο ὁ τρόπος τῆς ἀρχῆς, καὶ τῆς ἀρίστεως τῆς εἰρημένων τοιόσδε.] Thus render'd by the French Translator, *est donc de cette sorte que les Républiques, ou les Sociétés civiles ont pris Naissance*: If he had attended closely to the Chain of Reasoning, which our Author has pursued, in treating this Subject, he would have been sensible that τῆς εἰρημένων, in this Place, relates to the Formation of the Notions of Honour and Justice, καὶ κατὰ καὶ δικαιοῦς, which immediately precedes it, and not to That of Commonwealths, and Civil Societies: For, after he has set forth the Undutifulness of Children to their

tions of which are first formed in the following Manner.

Every one having a natural Impulse to Copulation, the Consequence of which is Procreation, when a Child, who, by the Care of his Parents, has attained the Age of Discretion, makes no grateful Return, nor yields any Assistance to those, by whom he was brought up, but, on the contrary, endeavours to abuse them by his Words, or Actions, it is plain that those, who are Witnesses of it, and knew the Pains and Hardships Parents undergo in taking Care of, and bringing up their Children, must be dis-

their Parents, and the Ingratitude of the Obligated to their Benefactors, he makes the Indignation arising in the Breasts of those, who are Witnesses to the Instances he gives of both, to produce the first Impression of the Power of Duty, which, he says, is the Beginning and End of *Justice*. He goes on to shew that the Applause which Valour meets with, and the Contempt, with which a contrary Behaviour is treated, create in the Minds of Men the Notions of *Honour* and *Dis honour*, and of the Difference between them: So that, I believe, the Reader will agree with me, that this Passage is not applicable to the Formation of Commonwealths, and civil Societies, as the French Translator has render'd it, but, to That of the Notions of *Honour* and *Justice*; and that *morceau* plainly relates to what follows, and not to what precedes.

pleased,

τῷ γὰρ γένει τῶν ἀνθρώπων ταύτῃ δια-  
 φέρονται τῶν ἄλλων ζώων, ἢ μόνοις αὐ-  
 τοῖς μέτεσι νῦν καὶ λογισμῷ. Φανερόν ὡς  
 ἐκ εἰκὸς παραλέγειν αὐτὰς τὴν προειρη-  
 μένην διαφορὰν, καθάπερ ἐπὶ τῶν ἄλ-  
 λων ζώων· ἀλλ' ἐπισημαίνεσθαι τὸ γινώ-  
 μενον, καὶ δυσαρεσεῖσθαι τοῖς παρεσσι  
 προσωμένους τὸ μέλλον, καὶ συλλογιζόμε-  
 νους, ὅτι τὸ παραπλήσιον ἐκάστοις αὐτῶν  
 συκυρήσει. Καὶ μὴν ὅταν περὶ πάλιν  
 ἕτεροι ὑπὸ θαλάσσης τυχὼν ἐπικερείας ἢ  
 βοηθείας ἐν τοῖς δεινοῖς, μὴ νέμῃ τῷ σώ-  
 σαντι χάριν, ἀλλὰ ποιεῖ καὶ βλάπτειν ἐφ'  
 χειρὶ τῷτον. Φανερόν ὡς εἰκὸς τῷ τοιούτῳ  
 δυσαρεσεῖσθαι καὶ προσκόπῃν τὰς εἰδότας,  
 συναγανακτίζοντας μὲν τῷ πέλας, ἀναφέ-  
 ροντας δ' ἐπ' αὐτὰς τὸ παραπλήσιον (9).

(9) Εξ ὧν (ὑποκρίνε) τις ἔννοια παρ' ἐκάστῳ τῷ καθήκον-  
 τι δυνάμει καὶ θεωρίας.] Casaubon's Edition of PO-  
 LYBIUS, which is by much the best, has θεωρίας,  
 which

pleased, and offended at this Behaviour ; for, as there is this Difference between Mankind, and other Animals, that the former are indued with Understanding and Reason, it is plain, they will not neglect the Use of those Faculties by which they are so distinguished, but observe what passes upon this Occasion, and be displeased with it, particularly, when they look forward, and consider that the like Misfortune may happen to each of them. On the other Side, when any one, who has been assisted and relieved by another in Distress, instead of being grateful, endeavours to injure his Benefactor, it is manifest that those, who are acquainted with such a Proceeding, must be displeased, and offended at it, not only because they compassionate the Sufferings of their Neighbours, but also because they expect to meet with the like Treatment : From whence some Notion and

which I imagine to be a Fault in the Impression particularly, since he has not followed this Sense in his Translation ; I have altered it to *θεωρία*, which is more agreeable both to the Sense, and to the Construction, since *ἐννοία τις θεωρίας* is scarce intelligible.

Consideration

ἐξ ὧν ὑπογίνεται τὴν ἐννοίαν παρ' ἐκάστη  
τῆς τῆς καθήκοντος δυνάμεως καὶ θεωρίας  
ὅπερ ἐστὶν ἀρχὴ καὶ τέλος δικαιοσύνης.

Ομοίως πάλιν, ὅταν ἀμύνη μὲν τις  
πρὸ πάντων ἐν τοῖς δεινοῖς, ὑφίστηται δὲ  
καὶ μένη τὰς ἐπιφορὰς τῶν ἀλκιμωλάτων  
ζώων· (10) εἰκὸς μὲν τὸν τοιοῦτον ὑπὸ  
τῆς πλήθους ἐπισημασίας τυγχάνειν εὐνοί-  
κῃς καὶ προσαικῃς· τὸν δὲ τάναντία τέ-  
τω πρᾶττοντα καλαινώσεως καὶ προσκο-  
πῆς· ἐξ ἧς πάλιν εὐλοφὸν ὑποκινεσθαι τινα  
θεωρίαν παρὰ τοῖς πολλοῖς αἰσχεῖται καὶ κα-  
λῶ, καὶ τῆς τέτων πρὸς ἀλληλα διαφορᾶς.  
καὶ τὸ μὲν ζήλῳ καὶ μιμήσεως τυγχάνειν,  
διὰ τὸ συμφέρον· τὸ δὲ φύγῃς. ὅταν ἐν  
οἷς ὁ προέσως καὶ τὴν μεγίστην δύναμιν  
ἔχων, αἰεὶ συνεπισχύῃ τοῖς προειρημένοις  
καλῶ

(10) Εἰκὸς μὲν τὸν τοιοῦτον ὑπὸ τῆς πλήθους ἐπισημασίας  
τυγχάνειν εὐνοϊκῆς καὶ προσαικῆς.] The French Transla-  
tor has left out the most material Part of this Sen-  
tence,



Consideration of the Power of Duty is introduced into every Man's Mind; which is the Beginning and End of Justice.

In like Manner, when any one runs the Hazard of his Life in the Defence of the Community, resists, and withstands the most violent Attacks of wild Beasts, it may be expected that such a one will meet with the Acclamations of the People, testifying their good Will to, and Desire to be governed by, him; while the Man, who acts in a contrary Manner, will be censured and disliked: from whence, again, it is reasonable to believe that some Consideration of Honour and Dishonour, and of the Difference between them, will be produced in the Minds of the People; and that the former will be admired and imitated, from the Advantage that flows

tence, and which serves as the Foundation of every Thing that follows. *Pourquoi au contraire donne-t-on tant d'applaudissemens à celui qui &c.* are his Words; whereas POLYBIUS says, that superior Strength and Valour are the Qualities, that first engage the People to chuse the Person, who is possess'd of them, for their *Commander*: This is properly expressed by the Word *προσέλιξις*, and ought to have been preserv'd in the Translation.

E

from

καλὰ τὰς τῶν πολλῶν διαλέξεις, καὶ δόξῃ  
 τοῖς ὑποατλομένοις διανεμητικὸς εἶναι τῇ  
 καὶ ἀξίαν ἐκάστοις· ἐκ ἔτι τὴν βίαν δε-  
 διότες, τῇ δὲ γνώμῃ τὸ πλεῖον εὐδο-  
 κοῦντες, ὑποάτλοναι καὶ συσώζουσι τὴν  
 ἀρχὴν αὐτῆς, καὶ ὅλως ἢ γηραιός· ὁμοθυ-  
 μαδὸν ἐπαμύνοντες καὶ διαγωνιζόμενοι πρὸς  
 τὰς ἐπιβουλεύοντας αὐτῇ τῇ δυναστείᾳ· καὶ  
 δὴ τῷ τοιούτῳ τρόπῳ βασιλεὺς ἐκ μονάρ-  
 χου λανθάνει γενόμενος· ὅταν παρὰ τῇ  
 θυμῷ καὶ τῆς ἰσχύος μελαλάῃ τὴν ἡγε-  
 μονίαν ὁ λογισμὸς. Αὕτη καλῶ καὶ δι-  
 καίᾳ πρώτῃ παρ' ἀνθρώποις καλὰ φύσιν  
 ἔννοια καὶ τῶν ἐναντίων τέτοις· αὕτη βα-  
 σιλείας ἀληθινῆς ἀρχὴ καὶ γένεσις. ὃ γὰρ  
 μόνον αὐτοῖς, ἀλλὰ καὶ τοῖς ἐκ τέτων ἐπὶ  
 πολὺ διαφυλάττουσι τὰς ἀρχάς· πεπεισ-  
 μένοι, τὰς ἐκ τοιούτων γεγονότας, καὶ  
 τραφέντας ὑπὸ τοιούτοις, παρὰ πλησίως

ἔξιν

from it, and the latter avoided. When therefore, the Person, who has the command over the rest, and is indued with superior Strength, in his Harangues to the People, for ever countenances the Men I have mentioned, and has created in his Subjects an Opinion, that he constantly treats every one according to his Merit; they are no longer afraid of Violence, but rather willingly submit to him, and unite in supporting his Government, even though he is far advanced in Years, unanimously defending and maintaining him against all those, who endeavour to supplant him in the Command. By this Means, a Monarch insensibly becomes a King, that is, when the Power is transferred from Courage and Strength, to Reason: This is the first natural Notion of Honour and Justice among Men, and of their Contraries; and this the Beginning and Origin of true Kingly Government: For the People not only preserve the Command to them, but to their Descendants long after them, being persuaded that those, who have received their Birth and Education from

ἔξιν ἢ τὰς προαιρέσεις. Εὰν δὲ ποτε τοῖς ἐκγόνοις δυσαρξήσωσι, ποιουῖνται μετὰ ταῦτα τὴν αἵρεσιν τῶν ἀρχόντων ἢ βασιλέων, ἢ ἐτι κατὰ τὰς σωματικὰς ἢ θυμικὰς δυνάμεις· ἀλλὰ ἢ κατὰ τὰς τῆς γνώμης, ἢ τῆς λογισμῆς διαφορὰς· πεῖραν εἰληφότες ἐπ' αὐτῶν τῶν ἔργων τῆς ἐξ ἀμφοῖν παραλλαγῆς.

Τὸ μὲν οὖν παλαιὸν ἐνεγέρσασκεν ταῖς βασιλείαις οἱ κριθέντες ἅπαξ, ἢ τυχόντες τῆς ἐξουσίας ταύτης· τόπως τε διαφέροντας ὀχυρούμενοι, ἢ τειχίζοντες, ἢ χώραν κατακλιώμενοι· τὸ μὲν τῆς ἀσφαλείας χάριν, τὸ δὲ τῆς δαψιλείας τῶν ἐπιηδείων τοῖς ὑποβλαχμένοις· ἅμα δὲ περὶ ταῦτα σπουδάζοντες ἐκτὸς ἦσαν πάσης διαβολῆς ἢ φθόνου, διὰ τὸ μήτε περὶ τὴν ἐσθῆτα μεγάλας ποιεῖσθαι τὰς παραλλαγὰς, μήτε περὶ τὴν βρώσιν ἢ πόσιν· ἀλλὰ παραπλήσιον ἔχειν τὴν βιοτείαν τοῖς ἄλλοις, ὁμόσε ποιέμενοι τοῖς πολλοῖς αἰεὶ τὴν δαίαν· ἐπεὶ

such Men, will resemble them in their Principles. But, if, at any Time, they are dissatisfied with their Descendants, they then chuse Magistrates and Kings, with Regard only to superior Sense and Reason, and not to bodily Strength and Courage; having, by Experience, been convinced of the Difference between them.

Formerly, therefore, those, who were once chosen Kings, and invested with this Dignity, grew old in the Enjoyment of it: In the mean Time, they fortified advantageous Posts, surrounding them with Walls, and possessed themselves of a Territory; by the former, they consulted the Security of their Subjects; and, by the latter, they supplied them with Plenty of Provisions. While they employed themselves in this Manner, they continued blameless and unenvied, because they differ'd very little either in their Clothes, their Table, or their Manner of living, from the rest of the People, with whom  
they

δ' ἐκ διαδοχῆς ἢ κατὰ γένος τὰς ἀρχὰς  
 παραλαμβάνουτες, ἔτοιμα μὲν εἶχον ἤδη  
 τὰ πρὸς τὴν ἀσφάλειαν, ἔτοιμα δὲ ἢ  
 πλείω τῶν ἱκανῶν τὰ πρὸς τὴν τροφήν·  
 τότε δὴ ταῖς ἐπιθυμίαις ἐπόμενοι διὰ τὴν  
 περισσίαν, ἐξάλλως μὲν ἐσθῆτας ὑπέ-  
 λαβον δεῖν ἔχειν τῆς ἡγούμενης τῶν ὑ-  
 ποταττομένων, (II) ἐξάλλως δὲ ἢ ποικί-  
 λας τὰς περὶ τὴν τροφήν ἀπολαύσεις ἢ  
 παρασκευάς, ἀνανηρρήτους δὲ ἢ παρὰ  
 τῶν μὴ προσσηκόντων τὰς τῶν Αφροδισίων  
 χρείας ἢ συνουσίας· ἐφ' οἷς μὲν φθόνα  
 γενομένην ἢ προσκοπῆς, ἐφ' οἷς δὲ μίσους  
 ἐκκαιομένην, καὶ δυσμενικῆς ὀργῆς, ἐγένετο  
 μὲν ἐκ τῆς βασιλείας τυραννίς· ἀρχὴ δὲ  
 κατὰλύσεως ἐγεννᾶτο, καὶ σύσσις ἐπι-  
 βελῆς τοῖς ἡγούμενοις· ἦν ἐκ τῶν χει-  
 ρίσων, ἀλλ' ἐκ τῶν γενναιοτάτων καὶ  
 μεγαλο-

II. Εξάλλως δὲ ἢ ποικίλως τὰς περὶ τὴν τροφήν ἀπολαύ-  
 σεις



they passed their Lives: But afterwards, their Posterity succeeding to the Government by right of Inheritance, and finding every Thing provided for them, that was necessary for their Security, and more than was necessary for their Support; they were led by Superfluity to indulge their Appetites, and to imagine that it became Princes to appear in a different Dress from their Subjects, to eat in a different, and more luxurious Manner, with greater Variety, and Preparation, and to enjoy, without Contradiction, even the forbidden Pleasures of Love; the first of which, produced Envy and Dislike, and the other, hatred and Resentment; by which Means, Kingly Government degenerated into Tyranny, and, at the same Time, a Foundation was laid, and a Conspiracy formed for the Destruction of those who exercised it: the Accomplices of which, were not Men of in-

σεις ἢ παρασκευάς.] *Plus pompeusement servi que ses sujets*, says the French Translator; which, in my Opinion, is much too general an Expression, since it leaves out the *variety* both of the Meats and Dressing.

μεγαλοψυχωτάτων, ἔτι δὲ θαρράλεωτά-  
των ἀνδρῶν συνέβαινε γενέσθαι· διὰ τὸ τὰς  
τοιούτους ἥκιστα δύνασθαι φέρειν τὰς τῶν  
ἰφεςώτων ὕβρεις. τῷ δὲ πλήθει, ὅταν  
λάβῃ προσάτας, συνεπισχύνῃος κατὰ  
τῶν ἡγεμένων, διὰ τὰς προειρημένας  
αἰτίας· τὸ μὲν τῆς βασιλείας καὶ μο-  
ναρχίας εἶδος ἄρδην ἀνηρεῖτο, (12) τὸ  
δὲ τῆς ἀριστοκρατίας αὐθις ἀρχὴν ἐλάμβαν-  
ε καὶ γένεσιν.

Τοῖς γὰρ καταλύσασι τὰς μονάρχους,  
οἰονεὶ χάριν (13) ἐκ χειρὸς ἀποδιδόντες  
οἱ πολλοὶ, τέτοις ἐχρῶντο προσάταις,

καὶ

12. Τὸ δὲ τῆς ἀριστοκρατίας αὐθις ἀρχὴν ἐλάμβανε καὶ  
γένεσιν.] Both the Latin and French Translators have  
very properly avoided an Absurdity, which the ren-  
dring αὐθις in the common Acceptation of the Word  
must necessarily have led them into; though I wish they  
had given it the Sense, in which POLYBIUS has taken  
it, upon this Occasion, which is, *thereupon, after that,*  
or something to that Effect. There is a Passage in  
Homer, in which that Word can be used in no other  
Sense: It is in the Dialogue between Ulysses, and  
Eumæus, where the latter says, *How could I expect*

ferior Rank, but Persons of the most generous, the most exalted, and also the most enterprising Spirit; because such Men can least bear the Insolence of those in Power. The People, therefore, having these to lead them, and, for the Reasons before mentioned, uniting against their Rulers, Kingly Government and Monarchy were extirpated, and Aristocracy, thereupon, began to be established.

For the People, as an immediate Acknowledgment to those who had destroyed Monarchy, chose these Leaders for their Governors, and left all their

F Concerns

*to live in Reputation among Men, or implore the Assistance of Jupiter with any Confidence, if, having brought you to my House, and treated you in a hospitable Manner, I should, after that, put you to Death?*

Ξῆν', ὅτω γάρ κεν μοι εὐκλέη τ', ἀρετή τε,  
 Εἴη ἐπ' αἰνέρεταις ἅμα τ' αὐλικά, καὶ μελέπελα,  
 Ος σ' ἔπει ἐς κλισίην ἄγαλόν, καὶ ξείνια δῶκα,  
 ΑΥΘΙΣ ᾗ κλείναιμι, φίλον δ' ὅππῃ θυμὸν ἐλοίμην,  
 Πρόφρων δὴ κεν ἔπεια Δία Κρονίωνα λίσσιν;

13. Οἷονεὶ χάριν ἐκ χειρὸς ἀποδιδόντες οἱ πολλοί.] The French Translator has said, *Le peuple, sensible au bienfait de ceux qui l'avoient délivré des Monarques, mit ses généreux Citoyens à sa tête & se soumit à leur conduite.*

So

καὶ τούτοις ἐπέτρεπον περὶ σφῶν. οἱ δὲ, τὸ μὲν πρῶτον ἀσμενίζοντες τὴν ἐπιρροπὴν, εἰδέν τε προὔργιαίτερον ἐποιοῦντο τῇ κοινῇ συμφέροντος, καὶ κηδεμονικῶς καὶ φυλακτικῶς ἕκαστα χειρίζοντες, καὶ τὰς κατ' ἰδίαν, καὶ τὰ κοινὰ τῇ πλήθους. ὅτε δὲ, διαδέξαιντο πάλιν παῖδες πατρῶν τὴν αὐτὴν ἐξουσίαν, (14) ἀπειροὶ μὲν ὄντες κακῶν, ἀπειροὶ δὲ καθόλου πολίτικῃς ἰσότητι καὶ παρρησίας, τετραμμένοι δ' ἐξ ἀρχῆς ἐν ταῖς τῶν πατρῶν ἐξουσίαις, καὶ προαγωγαῖς ὁρμήσαντες οἱ μὲν ἐπὶ πλεονεξίαν καὶ φιλαργυρίαν ἀδικον, οἱ δ' ἐπὶ μέθας καὶ τὰς ἅμα ταῖς ἀπλήστους εὐωχίας· οἱ δ' ἐπὶ τὰς τῶν γυναικῶν ὕβρεις καὶ παίδων ἀρπαγὰς.

Μετέ-

So that, he has left out *ἐκ χειρὸς*, which gives great Beauty to this Passage, and which Casaubon has very properly rendered by *de vestigio*.

Concerns to them. These, at first, cheerfully accepting the Trust, preferred the Advantage of the Public to all other Considerations, and administered all Affairs, both public and private, with Care and Vigilance: But here again, the Children of these, having succeeded their Parents in the same Power, they, being unacquainted with Evils, absolute Strangers to civil Equality and Liberty, and educated, from their Infancy, in the Splendor of the Power and Dignities of their Parents, some of them, giving themselves up to Avarice, and the Desire of unjust Gain, others, to Drunkenness and intemperate Entertainments, and others, to the Abuse of Women and Ravishment of Boys;

14. Απειροὶ μὲν ὄντες κακῶν.] *Gens peu accoutumée au travail* is, surely, not the Sense of this Passage; POLYBIUS means *the Evils*, which the People suffered under their Tyrants, and with which these Successors of their Deliverers were unacquainted. This he afterwards explains, when, speaking of the Infancy of Democracy, he says that *while any are living, who felt the Power and Domination of the few, they acquiesce under the present Establishment.* μέχρ' αὖ ἐτι σώζονται τινες τῶν ὑπερχῆς ἢ τυραννείας πείραν ἐληφότων, which is the same Thing he says here, only in more Words.

Μετέστησαν μὲν τὴν ἀριστοκρατίαν εἰς ὀλιγαρχίαν· ταχὺ δὲ κατεσκεύασαν ἐν τοῖς πλῆθεσι πάλιν τὰ παραπλήσια τοῖς ἄρτι ρηθεῖσι. διὸ καὶ παραπλήσιον συνέβαινε τὸ τέλος αὐτῶν γίνεσθαι τῆς καλασροφῆς τοῖς περὶ τὰς τυράννας ἀτυχήμασιν. ἐπειδὴν γὰρ τις συνθεασάμενος τὸν φθόνον καὶ τὸ μῖσος κατ' αὐτῶν, τὸ παρὰ τοῖς πολίταις ὑπάρχον, καὶ περὶ ταυτῶν φησὶ λέγειν ἢ πράττειν τι καλὰ τῶν προεσώτων, πάντες ἐτοιμοὶ καὶ συνεργοὶ λαμβάνει τὸ πλῆθος· λοιπὸν, ὅς μὲν φονεύσαντες, ὅς δὲ φυλαδεύσαντες, . . . ἔτε βασιλέα προΐσασθαι τολμῶσιν· ἐτι δεδιότες τὴν τῶν προτέρων ἀδικίαν· ἔτε πλείοσιν ἐπιτρέπειν τὰ κοινὰ θαρρῆσαι· παρὰ πόδας αὐτοῖς ἔσης τῆς πρώτερον ἀγνοίας· (15) μόνος δὲ σφισι καλαλιπομένης ἐλπίδος ἀκε-  
ραίας

15. Μόνος δὲ σφισι καλαλιπομένης ἐλπίδος ἀκεραίας τῆς ἐν αὐτοῖς.] *Il ne restoit donc plus au peuple d'autre espérance*



They, by this Means, changed the Aristocracy into an Oligarchy ; and soon inspired the People with the same Passions they were before possessed with ; by which Means, their Catastrophe became the same with That of the Tyrants : for, if any Person, observing the general Envy and Hatred these Rulers have incurred, has the Courage to say, or do any Thing against them ; he finds the whole Body of the People ready to assist him : Thereupon, they put some of them to Death, and banish others ; but dare not, after that, appoint a King to govern them, being still afraid of the Injustice of the first ; neither dare they intrust the Government with any Number of Men, having still before their Eyes the Errors these had before committed ; so that, having no Hope  
unallaid

*rance que dans lui-meme.* I imagine, the Difficulty of rendring *αἰσ* properly, prevailed upon the French Translator to leave it out ; though he must have been sensible that the Energy of the whole Sentence turns upon the Force of that Word, which will plainly appear upon considering the Context ; POLYBIUS says that the People, having been abused both by their Kings and the few, whom they had successively intrusted with the Government, were equally afraid of  
both ;

ραίῃς τῆς ἐν αὐτοῖς, ἐπὶ ταύτην κατὰφέρονται· καὶ τὴν μὲν πολιτείαν ἐξ ὀλιγαρχικῆς δημοκρατίαν ἐποίησαν, τὴν δὲ τῶν κοινῶν πρόνοιαν καὶ πίσιν εἰς σφᾶς αὐτὰς ἀνέλαβον.

Καὶ μέχρι μὲν ἂν ἔτι σώζωνταί τινες τῶν ὑπεροχῆς καὶ δυνασείας πείσαν εἰληφόντων, ἀσμενίζοντες τῇ παρούσῃ κατὰσάσει, περὶ πλείους ποιῶνται τὴν ἰσηγορίαν, καὶ τὴν παρρησίαν. ὅταν δ' ἐπιγινώσκωσι νέοι, καὶ παισὶ παίδων πάλιν ἡ δημοκρατία παραδοθῇ, τότε καὶ ἔτι διὰ τὸ σύνθημα ἐν μεγάλῳ τιθέμενοι τὸ τῆς ἰσηγορίας καὶ παρρησίας, ζητοῦσι πλεονέχειν τῶν πολλῶν· μάλιστα δ' εἰς ταῦτα ἐμπέπλησιν οἱ ταῖς ὁσίαις ὑπερέχοντες. λοιπὸν ὅταν ὁρμήσωσιν ἐπὶ τὸ φιλαρχεῖν·

(16) καὶ μὴ δύνωσι δ' αὐτῶν καὶ διὰ τῆς

ἰδίας

both; so that, they had no Hope that was not mixed with very just Apprehensions, but in themselves.

16. Καὶ

unallaid, but in themselves, they lay hold of That ; and, by converting the Government from an Oligarchy to a Democracy, take upon themselves the Care and Charge of publick Affairs.

And, as long as any are living, who felt the Power and Domination of the few, they acquiesce under the present Establishment, and look upon Equality and Liberty as the greatest of Blessings. But, when a new Race of Men grows up, and the Democracy falls into the Hands of their Children's Children, these, no longer regarding Equality and Liberty, from being accustomed to them, aim at a greater Share of Power than the rest, particularly those of the greatest Fortunes ; who, grown now ambitious, and, being unable to obtain the Power they aim at, by themselves and their own Merit, dissipate

16. Καὶ μὴ δύνασθαι δι' αὐτῶν καὶ ἰδίᾳς ἀρετῆς τυγχάνειν τίτων.] I have taken the Liberty to make two Alterations in the Text with Regard to this Sentence ; the first is very obvious, all the Editions have αὐτῶν, for which I have substituted αὐτῶν: The second, though not so obvious, may, possibly, appear as well founded. All the Editions (not excepting Casaubon's)

ιδίας ἀρετῆς τυγχάνειν τέτων, διαφθείρῃσι  
 τὰς ὑσίας, δελεάζοντες ἢ λυμαινόμενοι τὰ  
 πλῆθη κατὰ πάντα τρόπον. ἐξ ὧν ὅταν ἅ-  
 παξ δωροδόκῃς ἢ δωροφάγῃς κατὰσκευά-  
 σωσι τὰς πολλὰς, διὰ τὴν ἀφρονα δοξο-  
 φαγίαν, τότ' ἤδη πάλιν τὸ μὲν τῆς δη-  
 μοκρατίας κατὰλύεται· μεθίσταται δ' εἰς  
 βίαν ἢ χειροκρατίαν ἢ δημοκρατία. συνει-  
 ρισμένον γὰρ τὸ πλῆθος ἐσθίειν τὰ ἄλ-  
 λότρια, ἢ τὰς ἐλπίδας ἔχειν τῷ ζῆν ἐ-  
 πὶ τοῖς τῶν πέλας, ὅταν λάβῃ πρὸς ἑ-  
 αὐτὴν μεγαλόφρονα ἢ τολμηρὸν, ἐκκλειό-  
 μενον δὲ διὰ πενίαν τῶν ἐν τῇ πολιτείᾳ  
 τιμίῳ· τότε δὴ χειροκρατίαν ἀποτελεῖ,  
 ἢ τότε συναθροισζόμενον ποιεῖ σφαγὰς,  
 φυγὰς, γῆς ἀναδασμὸς· ἕως ἂν ἀπο-  
 τεθῇται

join τέτων to διαφθείρῃσι τὰς ὑσίας, so that, according to  
 them, the Construction will run thus, οἱ ὁρμήσαντες ἐπὶ  
 τὸ φιλαρχεῖν, τέτων διαφθείρῃσι τὰς ὑσίας, meaning their  
 own Fortunes, which must, no doubt, be the Sense,  
 but

pate their Wealth in alluring and corrupting the People by every Method: And when, to serve their wild Ambition, they have once taught them to receive Bribes and Entertainments, from that Moment, the Democracy is at an End, and changes to Force and Violence; for the People, being accustomed to live at the Expence of others, and to place their Hopes of a Support in the Fortunes of their Neighbours, if headed by a Man of a great and enterprizing Spirit, but who, through his Poverty, is excluded from public Offices, will then have Recourse to Violence, and getting together, will murder, banish, and divide among themselves the Lands of their Adverfa-

but cannot be supported by this Construction; to avoid this Difficulty, therefore, I think there is a Necessity of supposing ἀρχαί to be understood; to which τῶν may very naturally be referred; unless the Reader chuses rather to read τότε instead of τῶν.

G

ries,

τεθηριωμένον πάλιν εὖρη δεσπότην ἢ μό-  
ναρχον. Αὕτη πολιτειῶν ἀνακύκλωσις·

(17) Αὕτη φύσεως οἰκονομία, καθ' ἣν μεταβάλλει ἢ μεθίσταται, ἢ πάλιν εἰς αὐτὰ καταντῶν τὰ κατὰ τὰς πολιτείας. Ταῦτά τις σαφῶς ἐπεγνωκώς, χρόνοις μὲν ἴσως διαμαρτήσεται λέγων ὑπὲρ τῆς μέλλοντος περὶ πολιτείας· τὸ δὲ πᾶς τῆς αὐξήσεως ἑκάστων ἐστὶν ἢ τῆς φθορᾶς, ἢ πᾶς μεταστήσεται, σπανίως ἀνδιασφάλλοιτο, (18) χωρὶς ὀργῆς ἢ φθόνου ποιούμενον τὴν ἀπόφασιν. Καὶ μὴν περὶ γε τῆς Ρωμαίων πολιτείας κατὰ ταύτην τὴν ἐπίστασιν μάλισ' ἂν ἔλθοιμεν

εἰς

17. Αὕτη φύσεως οἰκονομία, καθ' ἣν μεταβάλλει ἢ μεθίσταται, ἢ πάλιν εἰς αὐτὰ καταντῶν τὰ κατὰ τὰς πολιτείας.] Thus rendered by the French Translator; *Telle est la révolution des Etats, tel est l'ordre suivant lequel la Nature change la forme des Républiques.* This general Manner of rendering an Expression of the same Import has been



ries, till grown wild with Rage, they again find a Master, and a Monarch.

This is the Rotation of Governments, and This the Order of Nature, by which they are changed, transformed, and return to the same Point. Whoever, therefore, is perfectly acquainted with these Things, may, possibly, be mistaken in Point of Time, when he speaks of the future State of any Government; but, if he gives his Opinion without Anger, or Envy, he will seldom mistake in the Degree of the Encrease, or Corruption of each, or in the Change that attends them. This Consideration, above all others, will lead us to the Knowledge not only of the Establishment, the Encrease,

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been already taken Notice of in the 5th Annotation : Upon this Occasion, I shall only say that neither *Revolution* nor *Changement* express the Sense of πάλιν εἰς αὐτὰ κατανίστα, which implies a *Return to the former State*, since there may be a *Revolution*, a *Change*, without such a *Return*.

18. Χωρὶς ὀργῆς ἢ φθόνου.] All the Editions have χωρὶς ὀργῆς ἀφθόνου, which is scarce to be understood ; for

εἰς γινῶσιν ἢ τῆς συστάσεως, ἢ τῆς αὐ-  
 ξήσεως, (19) ἢ τῆς ἀκμῆς· ὁμοίως δὲ  
 ἢ τῆς εἰς τὸ ἔμπαλιν ἐσομένης ἐκ τῶν  
 μεμβολῆς. εἰ γὰρ τινα ἢ ἑτέραν πο-  
 λιτείαν, ὡς ἀρτίως εἶπα, ἢ ταύτην  
 συμβαίνει κατὰ φύσιν ἀπ' ἀρχῆς ἔχουσαν  
 τὴν σύστασιν, ἢ τὴν αὐξήσιν, κατὰ φύ-  
 σιν ἔξειν ἢ τὴν εἰς τὰναντία μεμβολήν.  
 σκοπεῖν δ' ἔσαι διὰ τῶν μετὰ ταῦτα ρη-  
 δημομένων. Νῦν δ' ἐπὶ βραχὺ ποιησό-  
 μεθα μνήμην ὑπὲρ τῆς Λυκέργης νομοθε-  
 σίας· ἔστι γὰρ ἐκ ἀνοίκειος ὁ λόγος τῆς  
 προθέσεως.

Εκεῖνος γὰρ ἕκαστα τῶν προειρημένων  
 συνόησας ἀναγκαίως ἢ φυσικῶς ἐπιτελέ-  
 μενα, ἢ συλλογισάμεθα ὅτι πᾶν  
 εἶδος πολιτείας ἀπλῆν ἢ κατὰ μίαν  
 συνε-

for which Reason, I have ventured to read ἢ φθόνος in-  
 stead

crease, and Perfection of the Roman Commonwealth, but also of its future Return to its former State: For, as the Original Institution and Encrease of this Commonwealth is, as much as any other, as I said before, founded on Nature, so its future Return to its former State is also founded on Nature. This will appear from the following Discourse: At present, we shall take Notice of the Laws of Lycurgus; the Consideration of which will not be improper to the present Purpose.

He, therefore, observing that every thing that has been said was founded on Necessity, and the Laws of Nature, concluded that every Form of Government that is simple, and consists but of one Kind, by soon degenerating into

stead of ἀφθόνως. *Sans préjugé*, says the French Translator, which is a Translation of neither.

19. Καὶ τῆς αἰμῆς.] *La splendeur*, in my Opinion, does not express αἰμῆς, since a Thing may be in *Splendor* and not in its *Perfection*; this may, I think, with great Propriety, be said of the very Commonwealth, our Author is here speaking of, I mean That of the Romans, which, it is well known, was in great Splendor, both before it had arrived at its Perfection, and after

συνεσηκῶς δύναμιν, ἐπισφαλές γίγνεσθαι,  
 διὰ τὸ ταχέως εἰς τὴν οἰκείαν ἢ φύσει  
 παρεπομένην ἐκτρέπεσθαι κακίαν. (20) κα-  
 θάρπερ γὰρ σιδήρῳ μὲν ἰός, ξύλοις δὲ  
 θρίπες ἢ τερηδόνες συμφυεῖς εἰσὶ λῦμαι,  
 δι' ὧν καὶ πάσας τὰς ἑξωθεν διαφύλα-  
 σι βλάβας, ὑπ' αὐτῶν φθείρονται τῶν  
 συγγενομένων· τὸν αὐτὸν τρόπον ἢ τῶν  
 πολιτειῶν συγγίнейται κατὰ φύσιν ἐκάστη  
 ἢ παρέρπειλά τις κακία· βασιλεία μὲν  
 ὁ μοναρχικὸς λεγόμενος τρόπος, ἀριστο-  
 κρατία δὲ ὁ τῆς ὀλιγαρχίας, δημοκρα-  
 τία δὲ ὁ θηριώδης ἢ χειροκρατικός· εἰς

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after it was past it: This is so true that no other State  
 ever attained to so great Power as the Roman Com-  
 monwealth was possessed of above a Century before  
 it was in its Perfection, and as long after it had pas-  
 sed it. So that, though its *Splendor*, at both those  
 Periods, outshone That of all other States, when in  
 their Meridian, yet it was far outshone by itself, when  
 arrived at that Point.

20. Καθάρπερ γὰρ σιδήρῳ μὲν ἰός, ξύλοις ᾧ θρίπες ἢ  
 τερηδόνες συμφυεῖς εἰσὶ λῦμαι.] This fine Thought has  
 suffered

into that Vice, that is allied to it, and naturally attends it, must be unstable; for, as Rust is the natural Bane of Iron, and Worms of Wood, by which, as by inbred Evils, though they escape all foreign Mischief, they are sure to be destroyed; so, in like Manner, there is a certain Vice implanted by the Hand of Nature in every Form of Government, and by her ordained to accompany it: The Vice of Kingly Government is Monarchy, That of Aristocracy, Oligarchy; and of Democracy, Rage and Violence; into which all of them, in Processes

suffered very much in the Hands of the French Translator; he seems to have been misled by the Word *συμφυγς*, which signifies *natural* or *allied to*, as well as *born with*; and, by taking it in the last Sense, has made POLYBIUS betray an Ignorance in French, which I am persuaded he was very incapable of in his own Language: But, before I go any farther, let us hear what he says, this it is, *comme la Rouille naît avec le fer, & les vers avec le bois*: Now, it is certain that neither Rust is *born with* Iron, nor Worms with Wood; the first being the Effect of some, or all the corrosive acid Salts, with which the Air is impregnated, and which are perpetually floating about in it, together with the attenuated Particles, that are continually flying off from all other Bodies; all which Particles form a Chaos, wherein I am persuaded every Production

εἰς ἔχ οἷόν τε μὴ ἔ πάντα τὰ προ-  
 ειρημένα σὺν χρόνῳ ποιεῖσθαι τὰς με-  
 ταστάσεις κατὰ τὸν ἄρτι λόγον. ἃ προϊ-  
 δόμενος Λυκῆργος, ἔχ ἀπλῆν, εἰδὲ μο-  
 νοειδῇ συνεσήσατο τὴν πολιτείαν· ἀλλὰ  
 πάσας ὁμῶς συνήθροιζε τὰς ἀρετὰς, καὶ  
 τὰς ιδιότητας τῶν ἀρίστων πολιτευμάτων·  
 ἵνα μηδὲν αὐξανόμενον ὑπὲρ τὸ δέον εἰς  
 τὰς συμφυεῖς ἐκτρέπηται κακίας· ἀντι-  
 σπωμένης δὲ τῆς ἐκάστης δυνάμεως ὑπὲρ  
 ἀλλήλων μηδαμῶς νεύη, μηδ' ἐπὶ πολὺ  
 καταρρέπη μηδὲν αὐτῶν· ἀλλ' ἰσορροπεῖται  
 καὶ ζυγοςαἰόμενον, ἐπὶ πολὺ διαμένει  
 (21) κατὰ τὸν τῆς ἀνιπλοίας λόγον

αἰ

of Nature has its Representative. And, as for Worms,  
 they are no more *born* with Wood, than Rust is with  
 Iron ; Worms make Use indeed of Wood for their  
 Protection, and, possibly, for their Nourishment ; but,  
 if, from the Toughness of its Parts it is improper for  
 the former, as the Heart of Oak, or, from its bitter  
 Taste, for the latter, as the Cedar, the Worm seldom  
 attacks it : So that, Wood may be, and frequently is  
 without



cess of Time, must necessarily degenerate, in the Manner I have mentioned. These Inconveniencies were foreseen by Lycurgus, who, to avoid them, formed not his Government of a simple Nature, and of one Sort, but united in one all the Advantages and Properties of the best Governments, to the End that no Branch of it, by swelling beyond its due Bounds, might degenerate into the Vice which is congenial to it; and that, while each of them were mutually acted upon by opposite Powers, no one Part might incline any Way, or outweigh the rest; but that the Commonwealth, being equal-

H ly

without Worms, they are consequently not essential to, nor *born with* it: And, that Rust is not more essential to Iron, nor *born with* it, appears from this; let a Piece of Iron be kept in a Recipient inaccessible to all Air, and to the corrosive Salts, with which it abounds, and it will be no more affected with Rust, than Gold, on which those Salts have no Power. As our Language has no Word to express either *θείπες* or *τερεδόνες*, I have been obliged to comprehend them both under the general Name of *Worms*; if the Reader pleases to turn to the 5th Chapter of the 5th Book of Theophrastus, he will there find these Insects not only distinguished, but described. I am afraid *congenite Pestes* in Casaubon is liable to the same Exception.

21. Καὶ ὅτι τῆς ἀνιπλοίας λόγον.] I do not remember

αἰ τὸ πολίτευμα· τῆς μὲν βασιλείας  
 κωλυομένης ὑπερῆφανεῖν διὰ τὸν ἀπὸ τῆ  
 δήμου φόβον, δεδομένης ἢ τέτῳ μερίδος  
 ἱκανῆς ἐν τῇ πολιτείᾳ· τῆ δὲ δήμου πά-  
 λιν μὴ παρρῶντ' καταφρονεῖν τῶν βα-  
 σιλέων, διὰ τὸν ἀπὸ τῶν γερόντων φό-  
 βον· οἱ κατ' ἐκλογὴν ἀρισίνδην κεκριμέ-  
 νοι πάντες ἐμελλον αἰ τῷ δικαίῳ προσ-  
 νέμειν ἑαυτοῖς. ὥς τε τὴν τῶν ἐλαττωμέ-  
 νων μερίδα διὰ τὸ τοῖς ἔθουσιν ἐμμένειν,  
 ταύτην αἰ γίνεσθαι μείζω, ἢ βαρύνε-  
 ραν τῇ τῶν γερόντων προσκλίσει ἢ ῥοπῇ.  
 τοιγαρὶν ἔτω συνησάμενος, πλείστον  
 ὧν ἡμεῖς ἴσμεν χρόνον διεφύλαξε τοῖς

Λακε-

ber ever to have met with ἀνιπλοία in any other Au-  
 thor; possibly, therefore, it may be, like many other  
 Words in POLYBIUS, a Term of his own coining,  
 or, rather, of his own compounding: The Latin and  
 French Translators have understood it of a Ship equal-  
 ly acted upon by contrary Winds, which, I believe,  
 the Scamen will not allow ever to happen: I, at first,  
 thought

ly pois'd, like a Ship acted upon by contrary Powers, might long remain in the same Situation; while the King was restrained from Excess by the Fear of the People, who had a proper Share in the Commonwealth; and, on the other Side, the People did not dare to disregard the King from their Fear of the Senate, who, being all elected for their Virtue, would always incline to the justest Side; by which Means, that Branch which happened to be oppressed, this Institution being observed, became always superior, and, by the accessional Weight of the Senate, out-balanced the other. Lycurgus, therefore, having formed his Commonwealth according to this System, preserved the Lacedæmonians in Liberty

thought it might signify a Ship acted upon by contrary Currents, which, though possible, is too uncommon to serve as a Foundation for a Comparison; I would, therefore, suppose the Ship to be rowed against the Wind, or Tide, or, rather, against both, which will have the Effect here intended by POLYBIUS, that is, to keep it in the same Situation: However, as the Greek Text does not particularly describe the contrary Powers, by the Force of which the Ship is kept in the same Place, I have not thought it necessary to enter into that Particular in the Translation.

Λακεδαιμονίοις τὴν ἐλευθερίαν. Εκείνος  
 μὲν ἔν λόγῳ τινὶ προιδόμενος, (22) πό-  
 θεν ἕκαστα καὶ πῶς πέφυκε συμβαίνειν,  
 ἀελαβῶς συνεσήσατο τὴν προειρημένην  
 πολιτείαν.

Ρωμαῖοι δὲ τὸ μὲν τέλος ταῦτὸ πε-  
 ποίηται τῆς ἐν τῇ πατρίδι κατὰσάσεως,  
 ἔ μὴν διὰ λόγῳ· διὰ δὲ πολλῶν ἀγώ-  
 νων καὶ πραγμάτων, ἐξ αὐτῆς αἰεὶ τῆς ἐν  
 ταῖς περιπετείαις ἐπιγνώσεως αἰετόμενοι  
 τὸ βέλτιον· ἔτῳς ἦλθον ἐπὶ ταῦτὸ μὲν  
 Λυκέρῳ τέλος, κάλλιστον δὲ σύστημα  
 τῶν κατ' ἡμᾶς πολιτειῶν.

Δεῖ δὲ τὸν ἀγαθὸν κρείητὸν ἕκ ἐκ τῶν  
 παραλειπομένων δοκιμάζειν τὰς γρά-  
 φοντας, ἀλλ' ἐκ τῶν λεγομένων. καὶ  
 μὲν ἐν τέτοις τι λαμβάνη ψεῦδος, εἰδέ-

ναι

22. Πόθεν ἕκαστα, καὶ πῶς πέφυκε συμβαίνειν.] This is,  
 I think,

longer than any other People, we have heard of, ever enjoyed it ; so that he, by foreseeing from a certain Way of reasoning, from whence, and, by what Means, every Thing naturally proceeds, guarded that Commonwealth against every Danger.

The Romans have arrived at the same End, in forming their Commonwealth, not indeed, by any Chain of reasoning, but by weighing every Incident, that offered it self in the many Struggles and Difficulties, they were engaged in, and always embracing that Measure, which was most advantageous. By this Means, they arrived at the same End Lycurgus attained, and formed the most glorious System of Government now in being.

A good Critick ought not to judge of a Writer by those Things he omits, but by those he relates ; and, if he discovers any Untruth in the latter, conclude that the former were omitted through

I think, rendered too generally by the French Translator, *prévoyant la Cause & le Temps de certains événements.*

Ignorance :

ναι διότι κακείνα παραλείπεται δι' ἄγνοϊαν· ἐὰν δὲ πᾶν τὸ λεγόμενον ἀληθές ᾗ, συγχωρεῖν, διότι κακείνα παρασιωπᾶται κατὰ κρίσιν, ἔκ ἄγνοϊαν.

Ἦν μὲν δὴ (23) τρία μέρη τὰ κρατοῦντα τῆς πολιτείας, ἅπερ εἶπα πρότερον, ἅπαντα· (24) ἔτω δὲ πάντα κατὰ μέρος ἴσως καὶ πρεπόντως συνετέτακτο καὶ διωκεῖτο διὰ τέτων, ὥςτε μηδὲνα ποτ' ἂν εἰπεῖν δύνασθαι βεβαίως, μηδὲ τῶν ἐγχωρίων, πότερ' ἀριστοκρατικὸν τὸ πολίτευμα (25) σύμπαν, ἢ δημοκρατικόν, ἢ μοναρχικόν· καὶ τῷτ' εἰκότως ἦν πάσχειν. ὅτε μὲν γὰρ εἰς τὴν τῶν ὑπάτων

23. Τρία μέρη τὰ κρατοῦντα τῆς πολιτείας.] *Les trois, sortes de Gouvernements dont j'ay parlé composoient la République Romaine, says the French Translator, who, by rendring it thus, has left out τὰ κρατοῦντα τῆς πολιτείας, which is the proper Character of the three Branches of Government our Author has been treating of.*



Ignorance: But, if every Thing he relates be found true, let him grant that they were not omitted through Ignorance, but Choice.

All the three principal Orders of Government, I have mentioned, were found in the Roman Commonwealth; but every Thing, in particular, was constituted and administered with that Equality and Propriety by these three, that it was not possible for any Person, not even a Roman Citizen, to assert positively, whether the Government, in the whole, were Aristocratical, Democratical, or Monarchical; neither was this Doubt ill founded, for, when we cast

24. Οὗτοι ὃ πάντα κατὰ μέρος ἴσως ἔκπεπόντως συνετάχθη καὶ διακρίθη διὰ τῶν.] *Toutes trois étoient tellement balancées l'une par l'autre.* This is so far from being the Sense of the Original, that, had I not met with it in this Place, I should not have imagined it was intended for a Translation of it.

25. Σύμπαν.] The French Translator says *que personne, même parmi les Romains, ne pouvoit assurer, sans crainte de se tromper, si le Gouvernement y étoit Aristocratique, ou Populaire, ou Monarchique.* Thus, by leaving out σύμπαν, the French Translator has maim'd this Sentence, for, in Reality, the Roman Government was Aristocratical, Popular and Monarchical, in its Parts; but, in the whole, it was none of the three.

our

ὑπάτων ἀτενίσαιμεν ἐξουσίαν, τελείως  
 μοναρχικὸν ἐφαίνετ' εἶναι καὶ βασιλικόν·  
 ὅτε δὲ εἰς τὴν τῆς συγκλήτου, πάλιν ἀ-  
 ριστοκρατικόν. καὶ μὴν εἰ τὴν τῶν πολλῶν  
 ἐξουσίαν θεωροῖη τις, ἐδόκει σαφῶς εἶναι  
 δημοκρατικόν. ὧν δ' ἕκασον εἶδος μερῶν  
 τῆς πολιτείας ἐπεκράτει, καὶ τότε, καὶ νῦν  
 ἔτι, πλὴν ὀλίγων τινῶν, ταῦτ' ἐσιν.

Οἱ μὲν γὰρ ὑπάτοι πρὸ τῆς μὲν ἐξ-  
 αἶν ταῖς ἐξαλόπεδα παρόντες ἐν Ρώμῃ,  
 πασῶν εἰσι κύριοι τῶν δημοσίων πράξεων.  
 οἳ τε γὰρ ἄρχοντες οἱ λοιποὶ πάντες ὑ-  
 ποτάττονται καὶ πειθαρχοῦσι τέτοις, πλὴν  
 τῶν δημάρχων· εἰς τε τὴν σύγκλητον  
 ἔτοι τὰς πρεσβείας ἄγουσι· πρὸς δὲ τοῖς  
 προειρημένοις, ἔτοι τὰ κατεπείγοντα τῶν  
 διαβουλίῶν ἀναδιδόασιν. (26) ἔτοι τὸν  
 ὅλον

26. Οὗτοι τὸν ὅλον χειρισμὸν τῶν δογμάτων ἐπιτελοῦσι.]  
 Le droit de faire les Senatus-consultes leur appartient.  
 2 Whoever

our Eyes on the Power of the Consuls, the Government appeared entirely Monarchical, and Kingly; when on That of the Senate, Aristocratical; and, when any one considered the Power of the People, it appeared plainly Democratical: The several Powers, which each of these Orders then obtained, and still continues to obtain, with some few Exceptions, are as follow.

The Consuls, when they are at Rome, and, before they take the Field, have the Administration of all publick Affairs; for all other Magistrates are subject to, and obey them, besides the Tribunes of the People: They introduce Embassadors into the Senate: They also propose to the Senate those Subjects of Debate, that require immediate Dispatch; and are solely entrusted with the Execution

Whoever reads this, will, I dare say, conclude that the Right of *making the Decrees* of the Senate, belonged to the Consuls; which every Body knows was not the Case; neither does POLYBIUS say any more than that the Consuls were *solely entrusted with the Execution of the Decrees of the Sena*

ὅλον χειρισμὸν τῶν δογμάτων ἐπιτελε-  
σι. καὶ μὴν ὅσα δεῖ διὰ τῆς δῆμῃς συντε-  
λεῖσθαι τῶν πρὸς τὰς κοινὰς πράξεις  
ἀνηκόντων, τέτοις καθήκει φροντίζειν, καὶ  
συνάγειν αἰεὶ τὰς ἐκκλησίας. (27) τέ-  
τοις εἰσφέρειν τὰ δόγματα, τέτοις βρα-  
βεύειν τὰ δοκοῦντα τοῖς πλείοσι. καὶ μὴν  
περὶ πολέμου καὶ αἰσχυρῆς, καὶ καθόλου τῆς  
ἐν ὑπαίθεσι οἰκονομίας, σχεδὸν αὐτο-  
κράτορα τὴν ἐξουσίαν ἔχουσι. καὶ γὰρ  
ἐπιτάττειν

27. Τέτοις εἰσφέρειν τὰ δόγματα.] *L'y proposer ce dont il s'agit.* This is so loose a Translation, and, at same Time, seems to imply so great an Ignorance of the Roman Constitution, that I am surprized a Man of so great Learning as the French Translator must be allowed to be, could suffer it to escape from his Pen. It is very well known that all Laws were first passed by the Senate, before they were laid before the People, for which Reason, Dionysius of Halicarnassus, and the rest of the Greek Authors, who have written the Roman History, call a *Senatusconsultum* προβόλῃμα: The Phrase made Use of, upon these Occasions, by the Latin Authors, alludes to the same Custom: Thus after Livy has given an Account of the Design form'd by the Roman Soldiers to surprize Capua, and very pathetically described their Reconciliation with their

Fellow

5. B.

7. B. c. 38.

of their Decrees: To them belongs the Consideration of all public Affairs, of which the People have Cognizance; whom they are to assemble upon all Occasions, and lay before them the Decrees of the Senate, then pursue the Resolutions of the Majority. Besides this, the Consuls have almost an absolute Power in every Thing, that relates either to the Preparations of War, or to the Conduct of it in the Field; for they may give what Orders they please to

I 2

their

Fellow Citizens, at the Head of whom Valerius Corvus, as Dictator, was sent to chastise them; for it seems, the Romans were, at that Time, unacquainted with civil Slaughter, and unexperienced in all other Wars but Those against a foreign Enemy: After this Reconciliation, Valerius Corvus returned to Rome, where he got an Act passed, first by the Senate, and, afterwards, by the People, for the Impunity of the Soldiers, who had formed the Design upon Capua. Livy's Words are these, *Dictator equo citato ad urbem relictus, Auctoribus Patribus tulit ad Populum ne cui Militum fraudi secessio esset*. But, whoever has read Livy with Attention, must be sensible that this Phrase is, upon many other Occasions, made Use of by him to express what the Greek Historians call *προβόλαμα*; and it is very possible that, if he had translated this Passage of POLYBIUS, as he has many others, he would have said

his

ἐπιτάττειν τοῖς συμμαχικοῖς τὸ δοκᾶν,  
 ἢ τὰς χιλιάρχους καθιστάναι, ἢ διαγβά-  
 φειν τὰς στρατιώτας, ἢ διαλέγειν τὰς  
 ἐπιτηδεύεις, τέτοις ἔξεσι. πρὸς δὲ τοῖς  
 εἰρημένοισι, ζημιῶσαι τῶν ὑποταττομένων  
 ἐν τοῖς ὑπαίθεροις, ὃν ἂν βεληθῶσι, κύ-  
 ριοι καθεσῶσιν· ἐξουσίαν δ' ἔχουσι καὶ δα-  
 πανᾶν τῶν δημοσίων ὅσα προσθεῖντο, παρ-  
 πομένους ταμίς, καὶ πᾶν τὸ προσαχθὲν ἐ-  
 τοίμως ποιῆναι. ὥς' εἰκότως εἰπεῖν ἂν,  
 ὅτε τις εἰς ταύτην ἀποβλέψει τὴν με-  
 ρίδα, διότι μοναρχικὸν ἀπλῶς καὶ βασι-  
 λικὸν ἐστὶ τὸ πολίτευμα. εἰ δέ τινα τέ-  
 των ἢ τῶν λέγεσθαι μελλόντων λήψεται  
 μετὰθεσιν ἢ κατὰ τὸ παρὸν, ἢ μετὰ  
 τινα χρόνον, εἰδέναι ἂν εἴη πρὸς τὴν οὖν  
 ὑφ' ὑμῶν λεγομένην ἀπόφασιν.

55. B.

*his quorum Patres Auctores fuerant ferre ad Populum,*  
 for τέτοις εἰσφέρειν τὰ δόγματα. I am sensible that  
 Dion Cassius distinguishes δόγμα from ἀγκυρώσας, which  
 Word he makes Use of, because, as he says, it is not  
 possible



their Allies; and appoint the Tribunes: They may raise Forces, and enlist those that are proper for the Service: They also have a Power, when in the Field, of punishing any who serve under them; and of expending as much as they please of the public Money, being always attended by a Quæstor for that Purpose, whose Duty it is to yield a ready Obedience to their Commands: So that, whoever casts his Eyes on this Branch, may, with Reason, affirm that the Government is merely Monarchical, and Kingly. But, if any Thing I have already mentioned, or may hereafter mention, shall, at any Time, be altered, this ought not to affect the present Relation.

possible to translate it into Greek; this *Auctoritas* was a Resolution of the Senate passed when there was not a full House, that is, as many as the Law required for the passing a *Senatus-consultum*, which, with POLYBIUS, he calls *δῶγμα*: But this will not invalidate any Thing that has been said, when it is considered that the Law he speaks of was instituted by Augustus, who, as Dion tells us in the same Place, when he fixed the Number of Senators, whose Presence should be necessary for enacting Decrees of every Kind, appointed the particular Days, on which they were to assemble,

Καὶ μὲν ἡ σύγκλητος πρῶτον μὲν ἔχει τὴν τῆς ταμείας κυρίαν. καὶ γὰρ τῆς εἰσόδου πάσης αὕτη κρατεῖ, καὶ τῆς ἐξόδου παραπλησίως. ἔτε γὰρ εἰς τὰς κατὰ μέρος χρείας ἐδεμίαν ποιεῖν ἐξοδὸν οἱ ταμίαι δύνανται χωρὶς τῶν τῆς συγκλήτης δογμάτων, πλὴν τὴν εἰς τὰς ὑπάτους. τῆς δὲ παρὰ πολὺ τῶν ἄλλων ὀλοσχερεςτάτης καὶ μεγίστης δαπάνης, ἣν οἱ τιμηταὶ ποιεῖσιν (28) εἰς τὰς ἐπισκευὰς καὶ κατασκευὰς τῶν δημοσίων κατὰ πενταετηρίαν. ταύτης ἡ σύγκλητός ἐστι κυρία, καὶ διὰ ταύτης γίνεσθαι τὸ συγχώρημα τοῖς τιμηταῖς. ὁμοίως καὶ ὅσα τῶν ἀδίκη-

assemble, and, in Order to oblige the Senators to be present on those Days, encreased the Fine, to which those who absented themselves without a Lawful Excuse, were before liable. This was in the Year of Rome 745, Claudius Nero Drusus, and T. Quintius Crispinus being Consuls; the same Year Drusus died, which some will have to have been the Year 741 of Rome.

The Senate have, in the first Place, the Command of the public Money ; for they have the Conduct of all Receipts and Disbursements : Since the *Quæstors* cannot issue Money for any particular Purpose without a Decree of the Senate, except those Sums they pay by the Direction of the Consuls. The Senate have also the Power over all those Disbursements, that are made by the Censors every fifth Year in repairing and erecting public Buildings, which are of all others the greatest and the most considerable, and, for which, the Censors must have the Allowance of the Senate. This Order also takes Cognizance of all

28. Εἰς τὰς ἐπισκευὰς ἢ κατασκευὰς.] *Aux réparations*, in the French Translator, very well expresses the first; but what becomes of *κατασκευὰς*? that, it seems, is omitted : This deserves the more to be taken Notice of, because, when the same Expression is afterwards repeated by our Author, the same Translator says very properly *érection de nouveaux édifices, réparation des anciens* ; so that, I must look upon the former in the same light every candid Reader ought to view it, that is, as a Slip of the Memory only.

ἀδικημάτων τῶν κατ' Ἰταλίαν (29) προσ-  
 δεῖται δημοσίας ἐπισκέψεως· λέγω δὲ  
 οἷον προδοσίας, συνωμοσίας, φαρμα-  
 κείας, δολοφονίας, τῇ συγκλήτῳ μέλει  
 περὶ τέτων. πρὸς δὲ τέτοις, εἴ τις ιδιώ-  
 της ἢ πόλις τῶν κατὰ τὴν Ἰταλίαν δια-  
 λύσεως ἢ ἐπιλημῆσεως, ἢ βοηθείας, ἢ  
 φυλακῆς προσδεῖται, τέτων πάντων ἐ-  
 μελές ἐσι τῇ συγκλήτῳ. καὶ μὴν εἰ τῶν  
 ἐκτὸς Ἰταλίας πρὸς τινὰς ἐξαποστέλλειν  
 δεοὶ πρεσβεῖάν τινα, ἢ διαλύσαν τινὰς,  
 ἢ παρακαλέσσαν, ἢ καὶ νῆ Δία ἐπιᾶξ-  
 σαν, ἢ παραληφόμενῃν, ἢ πολεμεῖν  
 ἐπαγγέλλουσιν, αὕτη ποιεῖται τὴν πρό-  
 νοιαν. ὁμοίως δὲ καὶ τῶν παραγενομέ-  
 νων εἰς Ρώμην πρεσβειῶν ὡς δεόν ἐς  
 ἑκάστοις χρῆσθαι, καὶ ὡς δεόν ἀποκριθῆναι,  
 πάντα

29. Οὐα — προσδεῖται δημοσίας ἐπισκέψεως] *Qui mé-  
 ritent*

Crimes committed in Italy, that require a publick Inspection, such as Treasons, Conspiracies, Poisonings, and Assassinations. Moreover, if any private Person, or City in Italy stands in Need of an Accommodation, Animadversion, Relief, or Defence, all these are within the Province of the Senate: And if it is necessary to send an Embassy out of Italy to reconcile Differences, to use Exhortation, or, indeed, to signify a Command, to admit an Alliance, or declare War, the Senate has the Care of these Things. In like Manner, when Embassadors come to Rome, the Senate determines in what Manner they are to be treated, and what Answer is to be given to them. Nothing that has been mentioned belongs to the People; for these Reasons,

*ritent une punition publique*, is not, in my Opinion, the Sense of this Passage; because it confounds the *Inquiry* into a Crime with the *Punishment* of it.

K

again,

πάντα ταῦτα χειρίζεται διὰ τῆς συγκλήτης. πρὸς δὲ τὸν δῆμον καθάπαξ ἔδέν ἐστι τῶν προειρημένων. ἐξ ὧν πάλιν ὁπότε τις ἐπιδημήσαι μὴ παρόντος ὑπάτης, τελείως ἀριστοκρατικὴ φαίνεται ἡ πολιτεία. ὁ δὲ καὶ πολλοὶ τῶν Ἑλλήνων, ὁμοίως δὲ καὶ τῶν βασιλέων πεπεισμένοι τυγχάνουσι, διὰ τὸ τὰ σφῶν πρᾶγματα σχεδὸν πάντα πρὸς τὴν σύκλητον κυροῦν.

Ἐκ δὲ τούτων τίς ἔκ αὐτῶν εἰκότως ἐπιζητήσει ποία καὶ τίς ποτέ ἐστιν ἡ τῷ δήμῳ καταλειπομένη μερίς ἐν τῷ πολιτεύματι. τῆς μὲν συγκλήτης τῶν κατὰ μέρος, ὧν εἰρήκαμεν κυρίας ὑπαρχέσης, τὸ δὲ μέγιστον, ὑπ' αὐτῆς καὶ τῆς εἰσόδου καὶ τῆς ἐξόδου χειριζομένης ἀπάσης; τῶν δὲ στρατηγῶν ὑπάτων πάλιν αὐτοκράτορα μὲν ἐχούων δύναμιν περὶ τὰς τῶν πόλεως παρασκευὰς, αὐτοκράτορα δὲ τὴν ἐν τοῖς ὑπαίθεροις ἐξουσίαν; (30) ἢ μὴν ἀλλὰ

30. Οὐ μὴν ἀλλὰ καταλείπεται μερίς καὶ τῷ δήμῳ, κατὰ



again, when a Foreigner comes to Rome in the Absence of the Consuls, the Government appears to him plainly Aristocratical: which Opinion prevails with several of the Greeks, and also with several Kings, because almost all their Transactions with the Romans are ratified by the Senate.

From what has been said, who would not have Reason to ask what Share in the Government, and of what Nature that Share is, which is left to the People? Since the Senate is invested with all the particular Powers already mentioned, and with the greatest of all, the Conduct of all Receipts and Disbursements; and since, on the other Side, the Consuls, as Generals, have an absolute Power both in Regard to the Preparations of War, and, when in the Field, to the Management

καταλείπει αὐτῷ γε βαρύνει.] Cependant le peuple a sa part, Et une part très-considérable; not only très-considérable, but la plus considérable; which is the plain Import of the Text, and stands confirmed by the whole Tenor of the Roman History, but more so by their Conquests.

ἀλλὰ καλαλείπεται μερὶς καὶ τῷ δήμῳ, καὶ  
καλαλείπεταί γε βαρυτάτη. (31) Τι-  
μῆς γάρ ἐστι καὶ τιμωρίας ἐν τῇ πολιτείᾳ  
μόνον ὁ δῆμος κύριος· οἷς συνέχουσαι  
μόνοις καὶ δυνασεῖται, καὶ πολιτεῖται, καὶ συλ-  
λήδην πᾶς ὁ τῶν ἀνθρώπων βίος.  
πᾶς οἷς γὰρ ἢ μὴ γινώσκεσθαι συμβαί-  
νει τὴν τοιαύτην διαφορὰν, ἢ γινωσκο-  
μένην χειρίζεσθαι κακῶς, πᾶς τέτοις  
εἶδεν οἷόν τε καλὰ λόγον διοικεῖσθαι τῶν  
ὑφεσώτων. πῶς γὰρ εἰκός; (32) ἐν

ἵτη

31. Τιμῆς γάρ ἐστι καὶ τιμωρίας ἐν τῇ πολιτείᾳ μόνος ὁ δῆ-  
μος κύριος.] *Il est seul maître des récompences & des peines,*  
says the French Translator. Casaubon has rendered  
it in the same Sense, *Solus in civitate populus præmi &  
pæne est arbiter.* I am sorry I am obliged to differ  
from them both; in the first Place, I don't remember  
ever to have met with the Word *τιμή* for a *Reward*:  
2dly, I think it manifest that it cannot be taken in  
that Sense upon this Occasion, if one considers what  
follows, which, in my Opinion, is always the surest  
Method of coming at the Sense of an Author: PO-  
LYBIUS then, after he has told us that the People  
have the sole Power of *Honours*, and of Punishments,  
gives the particular Instances, wherein they exercise  
that Power; he begins with Punishments, and tells

us

of it. Notwithstanding all this, there is still a Share in the Government left for the People, and That the most considerable : For they only have the Power of distributing Honours and Punishments ; to which alone both Monarchies and Commonwealths, and, in a Word, all human Institutions owe their Stability: for, wherever the Difference between those Two is not understood, or, being understood, is injudiciously applied, there nothing can be properly administered. How should it, since the worthy, and unworthy are equally honoured ?

The

us that they take Cognizance of those Causes, where the Fine is considerable, particularly, where the Criminals have exercised great Employments ; and that they alone have the Power of Life and Death. He then says that the People have also the Right of conferring the Magistracy on those they think worthy of it, *καὶ μὴν τοῖς ἀρχαῖς ὁ δῆμος δίδωσι τοῖς ἀξίοις*. Where, I think it is evident that *ἀρχαί* is designed by our Author to explain *τιμὴ* before mentioned, and *ἄθλον*, which immediately follows, to signify *des récompences*.

32. *Εν ἴσῃ τιμῇ ὄντων τῶν ἀγαθῶν τοῖς κακοῖς.*] This seems to be a Paraphrase of the following Verse of Homer, who puts this Complaint into the Mouth of Achilles,

*Εν δὲ ἰῇ τιμῇ ἡμὲν κακός, ἡ δὲ καὶ ἐοθλός.*

II. I.

whoever has read POLYBIUS with Attention must be sensible that, upon many Occasions, he shews himself very

ἴση τιμῇ ὄντων τῶν ἀγαθῶν τοῖς κακοῖς. κρεί-  
 νει μὲν ἔν ὃ δῆμοις καὶ διαφόροις πολλάκις,  
 ὅταν ἀξιοχρεῶν ἢ τὸ τίμημα τῆς ἀδικίας, καὶ  
 μάλιστα τὰς ἐπιφανεῖς ἐσχηκότας ἀρ-  
 χάς. θανάτου δὲ κρείνει μόνος. καὶ γίνε-  
 ταί τι περὶ ταύτην τὴν χρεῖαν παρ' αὐ-  
 τοῖς ἀξιον ἐπαινέ καὶ μνήμης. τοῖς γὰρ  
 θανάτου κρινομένοις ἐπ' αὐτὴν καταδικάζονται,  
 δίδωσι τὴν ἐξουσίαν τὸ παρ' αὐτοῖς ἔθος  
 ἀπαλλάττεσθαι φανερώς, καὶ ἔτι μία  
 λείπηται φυλὴ τῶν ἐπικυρεσῶν τὴν κρεί-  
 σιν ἀψηφοφόρητοι, ἐκείσιον ἑαυτῶν κατα-  
 γνόντα φυγαδεύειν. ἔστι δ' ἀσφάλεια τοῖς  
 φεύγουσιν ἐν τε τῇ Νεαπολιτῶν καὶ Πραι-  
 νεσινῶν, ἔτι δὲ Τιβερεσινῶν πόλει, καὶ ταῖς  
 ἄλλαις πρὸς αἷς ἔχουσιν ὅρκια. Καὶ μὴν  
 τὰς ἀρχὰς ὁ δῆμος δίδωσι τοῖς ἀξίοις

ὅπερ

very well acquainted with Homer. It is astonishing  
 with what Respect, I may say, Veneration, the great-  
 est Authors of Antiquity speak of that great Man;  
 and that not only Poets, but Orators, and Historians  
 propose

The People, therefore, often take Cognizance even of those Causes, where the Fine to be imposed is considerable, particularly, where the Criminals are Persons, who have exercised great Employments: But, in Capital Cases, they alone have Jurisdiction; concerning which, there is a Custom among them worthy to be remembered with Commendation: This Custom gives to those, who are tried for their Lives, the Power of departing openly, and of condemning themselves to a voluntary Banishment pending the Trial, provided there remains one Tribe, that has not yet given its Vote; and the banished Person may live in Safety either at Naples, Præneste, or Tibur, or in any other City in Alliance with the Romans. The People also have the Power of conferring the Magistracy upon those they think worthy of it; which is the most honourable Reward

propose him as their Model in their respective Kinds of Writing. And, indeed, the Sentiment, which is the Subject of this Annotation, was long before copied from Homer by Xenophon, who makes Chryfantas say Καὶ τοὶ ἔγωγε εἰδέν ἀνισώτερον νομίζω τῶν ἐν ἀνθρώποις εἶναι, τῶ τῶν ἱσθν τὸν τε κακὸν καὶ τὸν ἀγαθὸν ἀξιῶθαι.

Ἐν Κύβη  
παιδεία, 2.  
B.

ὅπερ ἐςὶ κάλλισον ἄθλον ἐν πολιτείᾳ  
καλοκαγαθίας. ἔχει δὲ τὴν κυρίαν καὶ πε-  
ρὶ τῆς τῶν νόμων δοκιμασίας (33) καὶ τὸ  
μέγισον, ὑπὲρ εἰρήνης οὗτος βελεύεται καὶ  
πολέμῳ. Καὶ μὴν περὶ συμμαχίας,

33. Καὶ τὸ μέγισον, ὑπὲρ εἰρήνης οὗτος βελεύεται καὶ πολέ-  
μῳ] As the French Translator has differed from Ca-  
saubon in rendring this Passage, and I from both, and,  
as not only a Point of Criticism, but the most impor-  
tant Branch of the Power of the Roman People is  
concerned in this Question, I hope I shall be allowed  
to extend this Annotation to a more than ordinary  
Length, in Order to prove, 1st, That βελεύεται, in this  
Place, does not signify, with Casaubon, *deliberat*, nor,  
with the French Translator, *on le consulte*, but that they  
*determine*; 2dly, That the People of Rome had the  
Power of making Peace and War. As to the first, though  
I could prove the Word to have that Sense by ma-  
ny Passages out of the best Authors, yet I shall con-  
tent my self with the following one from Thucydides,  
not only because it plainly proves that βελεύεται sig-  
nifies to *determine* or *resolve*, but also because it con-  
veys a Sentiment very agreeable to the exalted Genius  
of the People, to whom it was delivered, and to the  
envied Situation of the Person, who delivered it. The  
Passage I mean is at the Close of that fine Speech which  
Thucydides puts into the Mouth of Pericles, when  
he exhorts the Athenians to support themselves with  
Magnanimity under the two-fold Evils, with which  
they were then oppressed, namely, the Peloponnesian  
War, and the Plague; it is this, οὗτος δ' ἐπὶ μεγίστοις καὶ  
ἐπιφθονοῖς



of Merit any Government can bestow. Besides this, they have the Power of rejecting, or confirming Laws; and, what is the most considerable of all, they determine concerning Peace and War; and also, concerning Alliances, Accommodations, and Conventions; every one of these

L

these

ἐπιφθονὸν λαμβάνει, ὅρθῳς βελοῦται, *whoever incurs Envy for Things of the greatest Moment, wisely determines; Or, if the Reader prefers the Translation of Hobbes, he does well that undergoeth Hatred, for Matters of great Consequence; but the Reason Pericles, or, rather, Thucydides gives for this is so strong, and so beautifully expressed, that I cannot help transcribing it, though it is nothing to the Point I am treating of; μῖσος μὲν γὰρ οὐκ ἐπὶ πολὺ ἀνέχει· ἡ δὲ παραυτίκα τε λαμπρότης, καὶ ἐς τὸ ἔπειτα δόξα αἰώνιος καὶ ἀλείπειται; for the Hatred flowing from it does not last long, while both the present Lustre, and the future Glory remain ever to be celebrated: But, for the Sake of those who deservedly admire Hobbes, I shall add also his Translation; For the Hatred lasteth not, and is recompenced both with a present Splendor, and an immortal Glory hereafter. I shall next endeavour to shew that, by the Roman Constitution, the Power of Peace and War was in the People; the Authority I shall quote, upon this Occasion, will be That of Dinoyfius of Halicarnassus, and of Livy, who, with POLYBIUS, are of all other Historians, the most to be depended on. The first then, when the Secession of the People, which ended in the Establishment of their Tribunes, was agitated in the Senate, makes the Consuls of the Year speak to that*

Dionys.  
of Hal.  
6. B.

ἢ διαλύσεως, ἢ συνθηκῶν, ἔτος ἐστὶν ὁ  
βεβαιῶν ἕκασα τέτων, ἢ κύρια ποιῶν  
ἢ τοῦναντίον. ὥσε πάλιν ἐκ τέτων εἰκότως  
ἂν τινα εἰπεῖν ὅτι μεγίστην ὁ δῆμος  
ἔχει μερίδα, ἢ δημοκρατικόν ἐστὶ τὸ πο-  
λίτευμα.

Τίνα

Assembly, in the following Manner ; ἴτε δὴ πρὸ νόμον  
ἡμῖν ὑπάρχοντα ἐξ ἧ τήνδε οἰκῶμεν τλή πόλιν, πάντων εἶναι  
κυρίαν τλή βελήν, πλὴν ἀρχας ἀποδεῖξαι, ἢ νόμους ψηφίσαι  
ἢ πόλεμον ἐξενεγκεῖν, ἢ τὸν συνεσῶτα καὶ αὐτὸν ἀλῦσαι. τέτων  
ἢ τῶν τελῶν τὸν δῆμον ἔχειν τλή ἐξουσίαν ψηφον ἐπιφέροντα.  
*You are sensible that we have a Law as old as the City  
we inhabit, by which the Senate have the Power of every  
Thing besides the Creation of Magistrates, the confirming  
of Laws, and declaring of War, or putting an End to  
it, when declared ; which three Things the People have  
a Right to determine by their Suffrages. And, that this  
Right was not nominal only, but fully exercised by  
the People upon all Occasions, appears from as ma-  
ny Instances in their History, as there are Examples  
of their having declared War with Prudence, pro-  
secuted it with Courage, and concluded it with Success.  
However, I shall select two of them, not only because  
they will, beyond all Contradiction, establish the Truth  
of what I have advanced, but also, because the two  
Wars I shall mention were of the greatest Consequence  
to the Romans, the Conclusion of the first having  
freed them from the Fears of a dangerous Rival, I  
mean Carthage ; and the second having been under-*  
taken

these the People may either confirm, or annul: So that, from hence again, one may, with Reason, assert that the People have the greatest Share in the Government, and that the Commonwealth is Democratical.

L 2

Having

taken against Philip of Macedon, a Kingdom, which a long Possession of Power had rendered venerable, and a great Encrease of it formidable.

After the great Successes of Scipio in Africa had extorted a Submission from the Carthaginians, Livy tells us the Romans were inclined to Peace; upon which Occasion he says; Tum Man. Acilius & Q. Minucius tribuni Plebis ad populum tulerunt, vellent, juberentne Senatum decernere, ut cum Carthaginensibus Pax fieret; & quem eam pacem dare, quemque ex Africâ exercitus deportare juberent: de pace uti rogassent, omnes tribus jusserunt: pacem dare P. Scipionem, eundem exercitus deportare. *Then Man. Acilius, and Q. Minucius, Tribunes of the People, asked the Opinion of the People whether they desired and commanded the Senate to decree that Peace should be made with the Carthaginians; and whom they thought fit to order to make that Peace, and whom to transport the Armies out of Africa: Concerning the Peace, all the Tribes voted for the Affirmative, and ordered P. Scipio to make the Peace, and transport the Armies. This Passage wants no Comment, the next will as little stand in Need of one.*

The same Author tells us that P. Sulpicius, one of the Consuls for the Year, asked the Opinion of the People, vellent, juberent Philippo Regi Macedonibusque, qui sub regno ejus essent, ob injurias, Armamque

Τίνα μὲν ἔν τρόπον διήσεται τὰ τῆς πολιτείας εἰς ἕκασον εἶδ'· εἴσεται τίνα δὲ τρόπον ἀντιπράττειν βεβληθέντα, ἢ συνεργεῖν ἀλλήλοις πάλιν ἕκασα τῶν μερῶν δύναται, νῦν ῥηθήσεται.

Ο μὲν γὰρ ὑπάρ' ἐπειδὴν τυχῶν τῆς προειρημένης ἐξουσίας ὁρμήσῃ μετὰ τῆς δυνάμεως, δοκεῖ μὲν αὐτοκράτωρ εἶναι πρὸς τὴν τῶν προκειμένων συντέλειαν· προσδεῖται δὲ τῆς δῆμῃς, ἢ τῆς συγκλήτης, ἢ χωρὶς τούτων ἐπὶ τέλ' ἀγειν τὰς πράξεις· ἔχ' ἱκανός ἐστι δὴλον γὰρ, ὥς δεῖ μὲν ἐπιπέμπεσθαι τοῖς στρατοπέδοις αἰεὶ τὰς χορηγίας· ἀνευ δὲ τῆς συγκλήτης βεβλήματος ἔτε σιτ', ἔτε ἱμαλισμός, ἔτε ὁψώνια δύναται χορηγεῖσ-

que illata sociis populi Romani bellum indicí. Whether they were willing and ordered that, in Consideration of the Injuries and Hostilities committed against the Allies of the People of Rome, War be declared against King Philip

Having shewn in what Manner the Commonwealth is divided into the several Orders, we shall now shew in what Manner each of these Orders may oppose, and assist one another.

The Consul, being invested with the Command I have mentioned, and in the Field at the Head of the Army, seems to have an absolute Power to carry every Thing he proposes into Execution; yet he still stands in Need of the People, and Senate, and, without their Assistance, can effect nothing: For it is manifest that Supplies of all Kinds must from Time to Time be sent to the Army, which, without the Consent of the Senate, can neither be furnished with Corn,

*Philip and the Macedonians his Subjects.* Upon which, Livy says that the People, being then tir'd out with the Length and Dangers of the Carthaginian War, almost all the Centuries rejected the Motion the first Time they were assembled upon that Occasion: But, upon the Consuls representing how great a Damage and Disgrace a Delay in declaring the War would prove to them, they gave their Affirmative for it. Ab hac Oratione in Suffragium missi, uti rogarat, bellum iusserunt. These Instances prove, beyond Contradiction, that the People of Rome did something more than deliberate concerning Peace and War.

Clothes,

σηγεῖσθαι τοῖς στρατοπέδοις· ὥς ἀπράκ-  
 τες γίνεσθαι τὰς ἐπιβολὰς τῶν ἡγεμέ-  
 νων, (34) ἐβелоκακεῖν καὶ κωλυσιεργεῖν  
 προβεμένης τῆς συγκλήτης. Καὶ μὴν τό-  
 γ' ἐπιτελεῖς ἢ μὴ γίνεσθαι τὰς ἐπινοίας,  
 καὶ προβέσεις τῶν στρατηγῶν, ἐν τῇ συγ-  
 κλήτῳ κεῖται. τῷ γὰρ ἐπαποσεῖλαι στρα-  
 τηγὸν ἕτερον, ἐπειδὰν ἐνιαύσιος διέλθῃ  
 χρόνος, ἢ τὸν ὑπάρχοντα ποιεῖν ἐπίμο-  
 νον, ἔχει τὴν κυρίαν αὕτη. Καὶ μὴν  
 τὰς ἐπιτυχίας τῶν ἡγεμένων ἐκτραγωδεῖ-  
 σαι καὶ συναυξῆσαι, καὶ πάλιν ἀμαυρῶ-  
 σαι, καὶ ταπεινῶσαι, τὸ συνέδριον ἔχει  
 τὴν δύναμιν. τὰς γὰρ προσαγορευομένας  
 παρ' αὐτοῖς θριάμβους, δι' ὧν ὑπὸ τὴν  
 ὄψιν ἀγέλαι τοῖς πολίταις ὑπὸ τῶν στρα-  
 τηγῶν ἢ τῶν κατειργασμένων πραγμά-  
 των ἐνάργεια· τέττας δὲ δύναται χειρίζειν  
 ὡς



Clothes, or their Pay; so that, the Designs of the Generals must prove abortive, whenever the Senate, by wilfully neglecting their Duty, oppose the Execution of them. It is also in the Breast of the Senate whether the Schemes and Plans of the Generals shall be accomplished, or not; for the Senate has the Power of sending another General to succeed him, as soon as the Year is expired, or of continuing him in the Command. Again, the Senate may either magnify, and extol, or, on the other Side, obscure, and extenuate the Victories of the Generals: For these cannot celebrate their Triumphs, as they call them, (in which the Representations of their Successes are carried in Pomp before the Eyes of the People) with proper Magnificence, sometimes, not even at all, unless the Senate

τε.] Si le Sénat n'entre pas dans leurs vûes, ou y met opposition. The first Part of this Translation does not, in my Opinion, express the Sense of ἐθελονακῆν, which implies a *voluntary Neglect of Duty*, as Suidas explains it; ἐθελονακῆσαι ἐκείνους ἐλεῖσθαι τὸ κανόν. And, indeed, this is the Sense, in which all Authors use the Word.

consent

ὥς πρέπει, ποτὲ δὲ τοπαράπαν εἰς  
 συλλεῖν, εἰ μὴ τὸ συνέδριον συγκαλᾷ-  
 θηται, ἢ δῶ τὴν εἰς ταῦτα δαπάνην. τῷ  
 γε μὴν δήμῳ τὸ διαλύεσθαι ἢ λίαν αὐτοῖς  
 ἀναγκαῖόν ἐστι, καὶ ὅλως ἀπὸ τῆς οἰ-  
 κίας τύχῳσι πολὺν τόπον ἀφελῶτες. ὁ  
 γὰρ τὰς διαλύσεις ἢ συνθήκας ἀκέρως  
 ἢ κυρίας ποιῶν, ὥς ἐπάνω προεῖπον,  
 ἕτός ἐστιν. τὸ δὲ μέγιστον, ἀποτιθεμένων  
 τὴν ἀρχὴν, ἐν τῷ δεῖ τὰς εὐθύνas ὑ-  
 πέχειν τῶν πεπραγμένων. ὥς κατὰ μη-  
 δένα τρόπον ἀσφαλὲς εἶναι τοῖς στρατηγοῖς  
 ὀλιγωρεῖν, μήτε τῆς συγκλήτης, μήτε τῆς  
 τοῦ πλήθους εὐνοίας.

Ἡ γε μὴν σύγκλητος πάλιν ἡ τηλικαύ-  
 την ἔχουσα δύναμιν, πρῶτον μὲν ἐν τοῖς  
 κοινοῖς πράγμασιν ἀναγκάζεται προσέ-  
 χειν τοῖς πολλοῖς, ἢ σοχάζεσθαι τῷ  
 δήμῳ· τὰς δ' ὁλοσχερεσάτας ἢ μεγίστας  
 ζητήσεις, ἢ διορθώσεις τῶν ἀμαρτανομένων  
 κατὰ

consent to it, and furnish the necessary Expence; then, as the Power of putting an End to the War is in the People, the Generals are under a Necessity of having their Approbation, though they happen to be never so far from Home; for, as I said above, the People have the Right of confirming, and annulling all Accommodations, and Conventions; and, which is of the greatest Importance, it is to the People, that the Generals, after the Expiration of their Command, give an Account of their Conduct: So that, it is, by no Means, safe for them to disregard the Favour either of the Senate, or People.

On the other Side, the Senate, though vested with so great Power, is under a Necessity of shewing a Regard to the People above all Things, and of aiming at their Approbation in every Thing relating to the Publick, as not having the Power to take Cognizance of Crimes of

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κατὰ τὰς πολιτείας, οἷς θάνατον ἀπο-  
 λαθεῖ τὸ πρόσκιμον, ἔδυναται συνελθεῖν  
 ἂν μὴ συνεπικυρώσῃ τὸ προβεβηλευμένον  
 ὁ δῆμος. ὁμοίως δὲ καὶ περὶ τῶν εἰς ταύ-  
 την ἀνηκόντων· ἔαν γὰρ τις εἰσφέρει νό-  
 μον ἢ τῆς ἐξουσίας ἀφαιρέμενός τι τῆς  
 ὑπαρχούσης τῇ συγκλήτῳ κατὰ τῆς ἐθις-  
 μῆς, ἢ τὰς προεδρίας καὶ τιμὰς καταλύ-  
 ων αὐτῶν, ἢ καὶ νῦν Δία ποιῶν ἐλαττώμα-  
 τα περὶ τῆς βίβης, πάντων ὁ δῆμος γί-  
 νεται τῶν τοιούτων καὶ θεῖναι, καὶ μὴ, κύ-  
 ρεσθαι. τὸ δὲ συνέχον, ἔαν εἰς ἐνίστηται τῶν  
 δημάρχων ἔχουσιν ἐπὶ τέλει ἄγειν τι  
 δύναται τῶν διαβελίων ἢ σύγκλητον  
 ἀλλ' ἐπεὶ συνεδρεύειν ἢ συμπορεύεσθαι  
 τοπαράπαν. Οφείλῃσι δὲ αἰεὶ ποιεῖν  
 οἱ δήμαρχοι τὸ δοκεῖν τῷ δήμῳ, καὶ μά-  
 λιστα σοχάζεσθαι τῆς τέττα βελήσεως.  
 διὸ πάντων τῶν προειρημένων χάριν δεδω-  
 τῆς πολλὰς, καὶ προσέχει τὸν νοῦν τῷ  
 δήμῳ ἢ σύγκλητον.

Ὁμοίως

the greatest Consequence, or to punish those, which are committed against the State, with Death, unless the People confirm the Decree they make for that Purpose; in like Manner, the Regulation even of those Things, which particularly affect the Senate, belongs also to the People : For, if any Person proposes a Law, by which Part of their Power, as founded on Custom, is to be taken away, or their Pre-eminence, or Dignities to be abolished, or, even, their Fortunes to be diminished, every Thing of this Kind, I say, the People have it in their Power either to receive, or reject : And farther, if any one of the Tribunes of the People opposes the passing of a Decree, the Senate are so far from being able to enact it, that it is not even in their Power to consult, or assemble in any Manner : And it is the Duty of the Tribunes to act agreeably to the Sense of the People, and observe their Pleasure. For all these Reasons, the Senate stands in Awe of the People, and pays a Regard to them.

Ομοίως γε μὴν πάλιν ὁ δῆμος ὑπό-  
 χρεὼς ἐστὶ τῇ συγκλήτῳ, καὶ σοχάζεσθαι  
 ταύτης ὀφείλων, καὶ κοινῇ καὶ κατ' ἰδίαν.  
 πολλῶν γὰρ ἔργων ὄντων τῶν ἐκδιδόμε-  
 νων ὑπὸ τῶν τιμητῶν διὰ πάσης Ἰταλί-  
 ας εἰς τὰς ἐπισκευὰς καὶ κατασκευὰς τῶν  
 δημοσίων, ἃ τις ἐκ αὐτῶν ἐξαριθμήσαιτο  
 ῥαδίως· πολλῶν δὲ ποταμῶν, λιμένων,  
 κηπίων, μετ' ἄλλων, χώρας· συλλήβδην  
 ὅσα πέπλωκεν ὑπὸ τὴν Ρωμαίων δυναστεί-  
 αν· πάντα χειρίζεσθαι συμβαίνει τὰ  
 προειρημένα διὰ τοῦ πλήθους καὶ σχεδόν,  
 ὥς ἔπος εἰπεῖν, πάντας ἐνδεδέσθαι ταῖς  
 ὥναις καὶ ταῖς ἐργασίαις ταῖς ἐκ τῶν  
 οἱ μὲν γὰρ ἀγορεύουσι παρὰ τῶν τιμη-  
 τῶν αὐτοὶ τὰς ἐκδόσεις, οἱ δὲ κοινωνοῦσι  
 τέτοις· οἱ δ' ἐγγυῶνται τὰς ἡγοραχότας·  
 οἱ δὲ τὰς ἐστίας διδόντες περὶ τῶν εἰς  
 τὸ δημόσιον. ἔχει δὲ περὶ πάντων τῶν  
 προειρημένων τὴν κυρίαν τὸ συνέδριον. καὶ  
 γὰρ χρόνον δοῦναι, καὶ συμπλώμαθ' ὑπο-  
 νομεναι



On the other Hand, the People are also subject to the Power of the Senate, and under an Obligation of cultivating the good Will of all the Senators in general, and of every one of them in particular : For, there being many Works put out by the Censors throughout all Italy, relating to the repairing, and erecting of publick Buildings, of which it is not easy to give an Account, and also many Rivers, Ports, Gardens, Mines, and Lands let out by them, and, upon the whole, whatever falls under the Power of the Romans ; now, it happens that all these are undertaken by the People, and, consequently, that almost all of them are engaged either in these Undertakings, or in the Works, that are consequent to them : For some are themselves the Purchasers of these Undertakings from the Censors ; others are their Partners ; some are Sureties for the Purchasers ; and others make Assignments to the Publick of their Fortunes for the Performance of these Contracts ; now, all these Things are under the Controul of  
the

τομένου κουφίσαι, ἢ τοπαράπαν ἀδυνα-  
 τε τινὸς συμβάλῃ ἀπολύσαι τῆς ἐργα-  
 νίας. ἢ πολλὰ δὴ τινὰ ἐσιν ἐν οἷς ἢ  
 βλάβῃει μεγάλα, ἢ πάλιν ὠφελεῖ τὰς  
 τὰ δημόσια χειρίζοντας ἢ σύγκλητῃ. ἢ  
 γὰρ ἀναφορὰ τῶν προειρημένων γίνεσθαι  
 πρὸς ταύτην τὸ δὲ μέγιστον, ἐκ ταύτης  
 ἀποδίδονταί κερταὶ τῶν πλείστων ἢ τῶν  
 δημοσίων ἢ τῶν ἰδιωτικῶν συναλλαγμά-  
 των, ὅσα μέγεθῃ ἔχει τῶν ἐγκλημάτων  
 διὸ πάντες εἰς τὴν ταύτης πίσιιν ἐνδεδε-  
 μένοι, ἢ δεδιότες τὸ τῆς χρείας ἀδελον,  
 εὐλαβῶς ἔχουσι πρὸς τὰς ἐνστάσεις, ἢ τὰς  
 ἀντιπράξεις τῶν τῆς συγκλήτης βελημάτων.  
 Ομοίως δὲ ἢ πρὸς τὰς τῶν ὑπάτων ἐπι-  
 βολὰς δυσχερῶς ἀντιπράττουσιν, διὰ τὸ  
 κατ' ἰδίαν ἢ κοινῇ πάντας ἐν τοῖς ὑπαί-  
 θροις ὑπὸ τὴν ἐκείνων πίπτειν ἐξουσίαν.

Τοιαύτης

the Senate, which has Power to give Time, or, in Case of Misfortune, to mitigate the Sum due; and, if any Thing has happened to render the Performance of the Contract impracticable, absolutely to cancel it: So that, the Senate has many Opportunities both of prejudicing considerably, and of advantaging those, who have the Management of publick Undertakings; for the Report of all these Things is made to the Senate; and, what is still of the greatest Moment, Judges are appointed out of the Senate in most of the Causes, that relate either to publick, or private Contracts, when the Action is of Importance: For which Reason, all the People, being engaged in a Dependance upon the Senate, and apprehending the Uncertainty of the Occasions, in which they may stand in Need of their Favour, they dare not resist, or oppose their Will. In like Manner, they are not easily brought to obstruct the Designs of the Consuls, because all of them in general, and every one in particular, become subject to their Power in the Field.

Such

Τοιαύτης δ' οὔσης τῆς ἐκάστω τῶν με-  
 ρῶν δυνάμεως, εἰς τὸ καὶ βλάπτειν καὶ  
 συνεργεῖν ἀλλήλοις· πρὸς πάσας συμ-  
 βαίνει τὰς περιστάσεις δεόντως ἔχειν τὴν  
 ἀρμογὴν αὐτῶν· ὥστε μὴ οἷόν τ' εἶναι  
 ταύτης εὐρεῖν ἀμείνω πολιτείας σύστασιν.  
 ὅταν μὲν γάρ τις ἕξωθεν κοινὸς φόβος  
 ἐπιστὰς ἀναγκάσῃ σφᾶς συμφρονεῖν καὶ  
 συνεργεῖν ἀλλήλοις, τηλικαύτην καὶ τοι-  
 αύτην συμβαίνει γίνεσθαι τὴν δύναμιν  
 τῆς πολιτείας, ὥστε μηδὲ παραλείπεσ-  
 θαι τῶν δεόντων μηδὲν, ἅτε περὶ τὸ προ-  
 σπεσὸν αἰεὶ πάντων ὁμοῦ ταῖς ἐπινοίαις  
 ἀμιλλωμένων· μήτε τὸ κριθεὶν ὑπερεῖν τῆς  
 καιρῶς, κοινῇ καὶ κατ' ἰδίαν ἐκάστω συνε-  
 γῆναι, πρὸς τὴν τῆς προκειμένης συν-  
 τέλειαν. (35) διόπερ ἀνυπόστατον συμβαί-  
 νει γίνεσθαι, καὶ παντὸς ἐφικνεῖσθαι τῆς

κριθέντος

35. Διόπερ ἀνυπόστατον συμβαίνει γίνεσθαι, καὶ παντὸς ἐφικ-  
 νει

Such, therefore, being the Power of each Order, both to hurt, and assist one another, it follows that their Union is sufficiently adapted to all Contingencies; for which Reason, it is not possible to invent a more perfect System of Government: For, when the sudden Fear of a foreign Enemy compels them to act in Concert, and assist one another, such, and so great is the Strength of the Government, that nothing is either omitted, that is necessary, since, upon every Occasion, all vie with one another in directing their Thoughts to the good of the Publick, or, being once resolved, comes too late for the End proposed, since all of them in general, and every one in particular, unite their endeavours in carrying their Designs into Execution: Thus, their

ἰσχυροῦσθαι τῷ κριθέντι τὴν ιδιότητα τῷ πολιτεύματι.]  
*C'est pour cela que cette République est invincible, & qu'elle vient à bout de tout ce qu'elle entreprend.* By this Means, the French Translator has left out the very Thing POLYBIUS has been all along contending for, which is, that the great Advantages the Roman Commonwealth was possessed of, were owing to the peculiar Frame of its Constitution, which he has expressed, in a Manner one would think not to be overlooked, by τὴν ιδιότητα τῷ πολιτεύματι.

N

Common-

κριθέντ' ὅτι τὴν ιδιότητα τῆ πολιτεύματος.  
 ὅταν γε μὴν πάλιν ἀπολυθέντες τῶν  
 ἐκτὸς φόβων ἐνδιαλείβωσι ταῖς εὐτυχίαις  
 ἢ περισσίοις ταῖς ἐκ τῶν κατορθωμάτων,  
 ἀπολαύοντες τῆς εὐδαιμονίας, ἢ ὑποκο-  
 λακτούμενοι ἢ ῥαθυμοῦντες τρέπανται πρὸς  
 ὕβριν, ἢ πρὸς ὑπερηφανίαν, ὃ δὲ φιλεῖ  
 γίγνεσθαι· τότε ἢ μάλιστα συνιδεῖν ἐς  
 αὐτὸ πᾶρ αὐτῷ ποριζόμενον τὸ πολιτεύ-  
 μα τὴν βοήθειαν· ἐπειδὴν γὰρ ἐξοιδῶν  
 τι τῶν μερῶν φιλονεικῇ, ἢ πλεον τῆ  
 δέοντος ἐπικρατῆται· δῆλον ὡς ἔδεγος ἀε-  
 τιτελεῖς ὄντος, κατὰ τὸν ἄρτι λόγον, ἀν-  
 τισπᾶσθαι δὲ ἢ παραποδίζεσθαι δυνα-  
 μένης τῆς ἐκάστη προθέσεως ὑπ' ἀλλή-  
 λων, ἔδεν ἐξοιδεῖ τῶν μερῶν, ἔδ' ὑπερ-  
 φρονεῖ. πάντα γὰρ ἐμμένει τοῖς ὑποκει-  
 μένοις, τὰ μὲν κωλυόμενα τῆς ὁρμῆς, τὰ  
 δὲ ἐξ ἀρχῆς δεδιότα τὴν ἐκ τῆ πέλαις  
 ἐπίσασιν.



Commonwealth, from the peculiar Frame of it, becomes irresistible, and attains whatever it proposes. On the other Side, when free from the Fear of a foreign Enemy, they live in Prosperity and Affluence, the Consequences of Victory, enjoying their good Fortune, and, through Flattery and Ease, grow insolent and proud, which usually happens; then, is their Commonwealth chiefly observed to relieve itself; for, when any Branch of it, swelling beyond its Bounds, becomes ambitious, and aims at unwarrantable Power, it is manifest that, no one of them being, as I have said, absolute, but the Designs of each, subject to the Contradiction and Controul of the other two, no one can run into any Excess of Power, or Arrogance: But all three must remain in the Terms prescribed by the Constitution, either, by being defeated in their Attempts to exceed them, or, by being prevented, through the Fear of the other two, from attempting it.

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## DISSERTATION

UPON THE

CONSTITUTION

OF THE

*ROMAN SENATE.*

**I**T were to be wished that POLYBIUS had looked upon the Constitution of the Roman Senate to have as properly belonged to his Subject, as the Powers of it: Had he been of that Opinion, there is no Room to doubt, but he would have given us such an Account of it, as would have cleared up all the Difficulties, that occur in reading the ancient Authors. It is very probable that he looked upon this Subject as too well known to stand in Need of a Discussion; in the same Manner as an English Historian would possibly

possibly judge it needless to give an Account of the Qualifications required by our Laws and Customs, to intitle a Person to a Seat in either House of Parliament, though he might very reasonably think a particular Detail of the Powers of each well worth the Attention of the Publick.

This Omission in POLYBIUS, if it deserves that Name, has been endeavoured to be supplied by several modern Authors, in several Languages; but without giving that Satisfaction, which, from the great Reputation those Authors had deservedly acquired in other Branches of Learning, the Publick had Reason to expect. Whether this proceeded from the Difficulty of the Subject, or from their Want of Attention in treating it, I shall not pretend to determine; but must be so just to their Memory, as to own that I attribute it, in a great Measure, to the former; particularly, since, though I have provided my self with many more Materials, than have been made Use of by any of those Writers, yet there are some Points,

Points, which I cannot clear up by the Authority of the ancient Authors; for which Reason, I chuse rather to submit them to the Consideration of the Learned, than endeavour to establish any System of my own upon unsupported Conjectures.

Concerning the original Institution of the Roman Senate, this is the Substance of the Account given of it by DIONYSIUS of Halicarnassus, who is much more particular than LIVY in every Thing relating to this Subject.

I. After ROMULUS had divided all the People into three Tribes, and subdivided each of these into ten Curiaë, he formed the Senate in the following Manner: Their Body was to consist of one hundred Persons, all Patricians; of these he himself chose one, and ordered each of the Tribes, and each of the Curiaë, to chuse three: All these together amounted to

I. Τριχῇ νεύμας τὴν πληθὺν ἅπασαν—ἐπειτα τῶν  
 τριῶν πάλιν μοιρῶν ἑκάστην εἰς δέκα μοίρας διελών—  
 ἐκάλει

to the Number required; so that, the Senate, in its original Institution, consisted of one hundred Patricians, ninety nine of whom owed their Seats there to the Choice of the People. This was also observed in the Addition of the hundred Sabins made, some Time after, by ROMULUS, and TATIUS, who were all chosen by the Curiae: These were also Patricians,

ἐνάλει ἢ τὰς μὲν μείζους μοίρας, τέλει· τὰς δ' ἐλάττους, κερίας—ἐκ τῶν πατρικίων ἄνδρας ἑκατὸν ἐπιλεξαμένη—αὐτὸς μὲν ἐξ ἀπάντων ἕνα τὸν ἄριστον ἀπέδειξεν—τῶν ἢ φυλῶν ἐκάσῃ προσέταξε τρεῖς ἄνδρας ἐλεῖσθαι—ἐκάσῃ φεστροῖ παλιν ἐκέλευσε τρεῖς ἐκ τῶν πατρικίων ἐπιλέξαι—τὸν τῶν ἑκατὸν ἐξεπλήρωσε βουλευτῶν ἀριθμὸν—ἐξ ὧν ἑκατὸν ἄνδρας, ὧς αἱ φεστροὶ προεχειράσαντο, τοῖς ἀρχαίοις βουλευταῖς προσέγεγραψαν. Dionyf. Hal. 2. B. Εὐθύς γὰρ ἅμα τῷ ᾠδαλαθεῖν τὴν ἀρχὴν, τὴν δημοτικὸν ὄχλον οἰκῆτον ἑαυτῷ ποιῆσαι προθυμηθεὶς—ἐπιλέξας ἄνδρας ἑκατὸν ἐκ πάντων τῶν δημοτικῶν—πατρικίους ἐποίησε, καὶ κατέταξεν εἰς τὸν τῶν βουλευτῶν ἀριθμὸν, (Ταρκύνιον Πρίσκον) καὶ τότε πρῶτον ἐγένοντο Ρωμαῖοι τετρακόσιοι βουλευταὶ τίως ὅντις διακόσιοι. id. 3. B. Εὐχλεύσατο μὲν γὰρ τριακοσίους αὐτὸς καὶ τὸ ἀρχαῖον ποιῆσαι (ὁ Λυγυρῆς). Dion. Cass. 54. B. Παρελαμβάνει τὴν βασιλείαν ἐνιαυτῷ δευτέρῳ μάλιστα τῆς μιᾶς καὶ τετραεκακοστῆς ὀλυμπιάδος ὁ Ταρκύνιος. Dion. Hal. 3. B. L. Sulla 11. and Q. Metellus Consuls for the Year 673. Fasti Consulares. Αὕτῃ ἢ τῇ βελῇ, διὰ τὰς σάσεις καὶ τὴν πολέμους πάμπαν ὀλιγανδρείῃ, προσκατέλεξεν (ὁ Σύλλα) ἀμφὶ τὴν τετρακοσίους ἐκ τῶν ἀρίστων ἱππέων, ταῖς φυλαῖς ἀναδὲς ψήφον περὶ ἐκάστη. Appian,



Patricians, which then was, and, for many Years after, continued to be a necessary Qualification for all, who were admitted into the Senate; for we find that TARQUINIUS PRISCUS, in order to ingratiate himself with the People at his Accession, chose out of their Body one hundred Persons, whom he first made Patricians, then Senators. From this Time, the Complement of the Senate was three hundred, and, in all Probability, continued so 'till SYLLA's Time, that

Appian, 1 B. Civ. W. There is a Passage in the Epitome of the 89th Book of Livy, which is thought to relate to this Addition made to the Senate by Sylla; the Passage is as follows: *Senatum ex equestri ordine supplevit*: The Sense of which seems to be, that he filled up the Vacancies of the Senate with Knights, not that he made any Addition to it; but, it plainly appears by the Passage of Appian before-mentioned, that he encreased their Number. However, the Author of the Epitome, who, certainly, was not Livy, is not much to be depended upon; for, in the Epitome of the 60th Book, he says that C. Gracchus added six hundred Knights to the three hundred Senators, *ut sexcenti Equites trecentis Senatoribus admiscerentur*: id est, *ut equester ordo bis tantum virium in Senatu haberet*; to the End that the Order of Knights might have twice as much Power in the Senate.

that is, about five hundred and thirty four Years; which is the Number of Years comprised between the first Year of TARQUINIUS PRISCUS, and the second Consulship of SYLLA; who, to strengthen his Party in the Senate, and, at the same Time, to repair the Losses it had sustained by the Death of many of its Members in the late Commotions, encreased their Number, probably, to more than four hundred: These additional Senators were, like the former, chosen by the People.

*note.* This is so worded, that it cannot be construed to relate to the Sempronian Law, concerning the Judges: For, by that Law, the Judicature was totally transferred from the Senate to the Knights, as may be seen at large in Appian, 1 B. Civ. W. and, very particularly, in Velleius Paterculus, 2. B. c. 32. who says that *Cotta divided the Judicature, which C. Gracchus had transferred from the Senate to the Knights, and Sylla from the Knights to the Senate, equally between the two Orders*: Cotta judicandi munus, quod C. Gracchus ereptum Senatui ad Equites, Sylla ab illis ad Senatum transfulerant, equaliter inter utrumque ordinem partitus est. And here, by the Way, I cannot help taking Notice of an Error of Plutarch, in his Life of C. Gracchus, where he says, that *he committed the Judicature to three hundred Senators, and as many Knights.* ὁ δὲ τετρακοσίους τῶν ἱππέων προσκατέλεξεν αὐτοῖς ἄσιν τετρακοσίοις, ἢ τὰς κλίσεις κοινὰς τῶν ἑξακοσίων ἐποίησε.

II. From

II. From this Time, to the fourth Consulship of CÆSAR, that is, during the Space of thirty four Years, I shall not pretend to ascertain the precise Number of which the Senate consisted: It is certain, however, that it exceeded four hundred; and, probably, the Complement was the same that SYLLA left.

III. CÆSAR, the Year before his Death, and after he had overcome all Opposition, among the various Methods made

II. The Interval between the second Consulship of Sylla, and the fourth Consulship of Cæsar, particularly, the latter Part of it, is so much illustrated by Cicero's Writings, that I am surprized we should not be able to gather out of them what the Complement of the Senate was, during that Period. All I can find is, that they were above four hundred; since, in his 14th Letter of the first Book to Atticus, he gives an Account of a certain Division of the Senate, in which, *there were four hundred for the Affirmative, and fifteen for the Negative*; Homines ad quindecim Curioni nullum senatusconsultum facienti assenserunt: ex altera parte faciliè quadringenti fuerunt. There is another Passage to the same Purpose, in his Speech to the Senate, after his Return from Banishment; he there tells them, that *there were four hundred and ten Senators present*: Quo quidem die cum quadringenti & decem Senatores essetis.

Use of by him to reward those, who had preferred his Cause to That of their Country, introduced so many of his Creatures into the Senate, that the Number of Senators amounted even to nine hundred. It will easily be believed that this Recruit proved a greater Addition to his Power, than to the Dignity of the Senate; particularly, when it is considered that they consisted of new-made Citizens, half-barbarous Gauls, Soldiers, and sons of Freed-men. But CÆSAR was out-done in this, as in every other Excess, by the Triumvirs; for they, it seems, brought Slaves into the Senate. By these Additions, the Number of Senators came to exceed a thousand. The History of the Roman Senate, under the Emperors, is so disagreeable a

III. Μηδὲν διακρίνων μήτ' εἴ τις σφοδριώτης, μήτ' εἴ τις ἀπελευθέρω πῶς ἦν, ἐνέγεγεν ὥς αὖ ἐννακοσίους τὸ κριθαιὸν αὐτῶν γενέσθαι. Dion Cass. 43. B. *Cæsar Dictator legit in Senatum civitate donatos, et quosdam è semi-barbaris Gallorum.* Sueton. Life of Cæs. εἰς τε τὸ βασιλευμενον καὶ δούλους ἐνέγεγεν. Dion Cass. 48. B. *Erant enim super mille, et quidam indignissimi, post necem Cæsaris, per gratiam et præmium adlecti, quos orcinos vulgus vocabat.* Sueton. Life of Aug.

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Subject, that I shall not pursue it; for, what can be more afflicting, than to behold a wise, a virtuous, and a venerable Assembly, become weak, abandoned, and despicable? transformed from all that is great, and glorious, to all that is mean, and infamous; from being the Scourge of Tyrants, to become their Flatterers, and wretchedly submitting not only to be Slaves, but the Instruments of Slavery. Let us turn our Eyes, therefore, from the Ruins of this fair Building to the Qualifications that were required in a Roman Senator, when the Senate deserved to be called by CINEAS, the Ambassador of PYRRHUS, an Assembly of Kings.

IV. Before the Expulsion of the Kings, the Vacancies in the Senate were filled up by

IV. *Hoc si polluit nobilitatem istam vestram, quam plerique oriundi ex Albanis et Sabinis, non genere, nec sanguine, sed per cooptationem in patres habetis, aut ab regibus lecti, aut, post reges exactos, jussu populi. Liv. 4. B. c. 4. P. Licinius Calvus tribunus militum consulari potestate——vir nullis ante honoribus usus, vetus*

by them; and, after their Expulſion, thoſe Senators, who had not a Right to a Seat in the Senate, by Virtue of ſome Magiſtracy, were choſen by the People; ſo that, though the Magiſtracy was the Seminary of the Senate, out of which it was annually ſupplied, yet there were other

*vetus tantum Senator, et ætate jam gravis. Id. 5. B. c. 12. Majores noſtri, cum regum poteſtatem non tuliffent, ita magiſtratus annuos creaverunt, ut concilium ſenatus reipublicæ præponerent ſempiternum; deligerentur autem in id concilium ab univerſo populo, aditusque in illum ſummum ordinem omnium civium indiſtriæ ac virtuti pateret. Cic. for Sext.* I have ſaid that the Time, when the People obtained the Privilege of being choſen immediately into the Senate, muſt have been between the Years 263 and 314; becauſe it is plain, from Dionyſius of Halicarnaſſus, that it was after the Affair of Coriolanus, which happened in the firſt of thoſe Years; for he ſays that, *from that Time, the Democracy gained Ground upon the Ariſtocracy, by the Peoples being made eligible into the Senate*, and, by ſeveral other Conceſſions made in their Favour, of which he there gives a particular Account, *ἡ ἐνθὲνδε ἀρχαίμυϑ ὁ δῆμος, ἤρθη μέγας ἡ δ' ἀριſτοκρατία πολλά τῶ ἀρχαίς ἀξιώμασι ἀπέβαλε, βελλῆς τε μέλειχεν ἐπιτέπεισσα τοῖς δημοτικοῖς, &c. Dion. Hal.* 7. B. The Year 314 was remarkable for the Punishment of Sp. Mælius, who was, as it appears, a Plebeian; which is not at all contradicted by Livy's ſaying he was *ex equeſtri ordine*; for the Order of Knights



other Senators (probably chosen when the Vacancies were too many to be filled up by the Magistrates of the Year) who were invested with that Dignity by the People, without having borne any Magistracy at all. These Senators were chosen promiscuously out of the Plebeians, as well as the Patricians, even be-

Knights was common both to the Patricians, and Plebeians; since, not Birth, but the Possession only of four hundred thousand Sestertii, that is, of 3229 *l.* 3 *s.* 4 *d.* Serling gave a Title to it. After Mælius had received the Punishment he deserved, Livy makes L. Quintius Cincinnatus, the Dictator, tell the People, that it was monstrous in Mælius to imagine that the City, *which could scarce digest his being a Senator, would suffer him to be their King, ut quem senatorem concoquere civitas vix posset, regem ferret.* 4. B. c. 15. Sp. Mælius therefore, though a Plebeian, might have been elected into the Senate: It is also certain that we find the People in Possession of this Privilege in the Year 353, when P. Licinius Calvus was chosen Consular Tribune. Upon the whole, as the Affair of Coriolanus suggested the Reflection I have mentioned to Dionysius of Halicarnassus, and, as that Affair happened only two Years after the Institution of the Tribunes of the People, by which the People were admitted into the Senate, by Virtue of that Magistracy, it is very probable they soon after obtained the Right of being elected *immediately* into that Assembly.

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fore the People were, by Law, capable of being either Consular Tribunes, or Consuls. When the People obtained the Privilege of being chosen Senators in this Manner, I cannot determine ; but shall observe that it must have been between the Years of Rome 263, and 314. This, however, is certain, that the Senators of both Kinds were chosen by the People, with this Difference, that one Sort of them were elected immediately into the Senate ; and the others, into those Magistracies, that gave them a Right to a Seat there.

V. All Magistrates, such as Consuls, Prætors, Censors, Ædiles, Tribunes of the People, and Quæstors had a Right to a Seat in the Senate, during their Magistracy ; after the Expiration of which, those,

V. *Tum C. Canuleius pauca in Senatu vociferatus.*  
*Liv. 4. B. c. 1.* ἡ τὸτο ἔπεισαν ἡμᾶς, οἱ σύμβουλοι π  
*ἀρχεῖον* (τὸ τῶν δημάρχων) εἰσαῖν παρελθεῖν εἰς τὴν βουλὴν.  
*Dionys. Hal. 7. B.* ἔπειτα συναχθέντες εἰς τὸ βουλευτήριον  
 οἱ συνέδρου, παρόντων ἡ τῶν δημάρχων, ὑπὲρ ἀσφαλείας  
 τε ἡ σωτηρίας τῆς πόλεως εἰκόπουν. *Id. 10. B.* Οὐτε γὰρ  
 πρῶτος

those, who were not before in the Censors List, ceased to be Senators, 'till the next Time the Senate was called over by the Censors; when, if their Names were not

πρῶτος τις ἀνέβη τῶν συναρχόντων εἰς τὸ ταμεῖον Κάτωνος, ὅτε ὕστερος ἀπῆλθεν ἐκκλησίαν ἣ καὶ βελὴν ἐδιδμίαν παρήκεν. Plut. Life of Cato of Ut. The curule Magistrates were the Consuls, Prætors, Censors, and curule Ædiles; no Authorities are brought to shew that these sate in the Senate, during their Magistracy, it being a Thing so well known. *Octoginta præterea aut senatores, aut qui eos magistratus gessissent, unde in senatum legi deberent.* Liv. 22. B. c. 49. It is most probable that the Censors observed the same Order in calling over the Senate, with Regard to those who had been Magistrates since the last Time it had been called over, that was followed by M. Buteo, who, being the oldest Censorian, was created Dictator to perform the Duty of the Censors, in reading over the Names of the Senators, and to supply the Vacancies occasioned by the Death of great Numbers of them, who had lost their Lives during the second Punick War: Here the curule Magistrates are first called over, in the Order they had been created Magistrates; then the Plebeian Ædiles, the Tribunes of the People, and the Quæstors; *Recitato veteri senatu, inde primos in demortuorum locum legit, qui post M. Æmiliam et C. Flaminium censores curulem magistratum cepissent, necdum in senatum lecti essent; ut quisque eorum magistratus primus creatus erat: tum legit qui ædiles, tribuni plebei, quæstoresque fuerant.* Liv. 23. B. c. 23. This, therefore, seems to have been the Order observed by the

not omitted, they became Senators: And, during the Interval between the Expiration

Censors, in calling over the Names of those, who had been Magistrates since the last Call of the Senate. As to the Right I have said those, who had been curule Magistrates, enjoyed, of being admitted into the Senate during the Interval between the Expiration of their Magistracy, and the next Call of the Senate; and the Exclusion of those, whose Magistracy had not been of that Sort, I hope the following Authorities will be thought sufficient to support what I have advanced upon that Subject. There is a Passage in Valerius Maximus, 2. B. c. 2. where he says that Q. Fabius Maximus, as he was going into the Country, met upon the Road P. Crassus, who, he knew, had been Quæstor three Years before, and discoursed with him of what had passed in the Senate; not knowing that he had not yet been called by the Censors to the Degree of a Senator, by which Means only, those, who had been Magistrates, could become Senators. *Memor cum triennio ante quæstorem factum, ignarusque nondum a censoribus in ordinem senatorium electum: quo uno modo his, qui jam honores gesserant, aditus in curiam dabatur.* The Quæstorship, therefore, not being a curule Magistracy, those, who had been invested with it, had no Right of coming into the Senate, during that Interval; which Right those, who had been curule Magistrates, enjoyed, though they were not actually Senators, 'till their Names were called over by the Censors; this appears by the Terms of the Consular Edict, in which they are always summoned, and always distinguished from the Senators. This Edict is often mentioned by Livy, and constant-

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tion of their Magistracy, and the next  
Call of the Senate, if they had been  
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ly runs in this Form, *Uti senatores, quibusque in senatu sententiam dicere licet, ad——convenient.* Here those, who had a Right of delivering their Opinions in the Senate, are distinguished from the *Senators*: In the following Passage, Cicero, in his Speech for Cluentius, distinguishes them from the *Quæstors*, and the *Tribunes of the People*, *Quirve quæstor, tribunus plebis, quive in senatu sententiam dixit.* There is an Appellation often applied by the ancient Authors to some of the *Senators*, which has occasioned great Variety of Opinions, and, consequently, great Difficulties; these have been encreased, if not created, by what Gellius has advanced upon this Subject: The Appellation I mean is that of *Pedarii*, which that Author has endeavoured to explain in a Manner so inconsistent with the Testimony of the Authors of the best Authority, and, indeed, with what he himself has, upon other Occasions, asserted, that I do not think it worth while to confute him any otherwise, than by producing some Passages out of those Authors, which the Reader may, if he pleases, confront with what Gellius has said upon this Subject. But, to explain this Matter: According to my Opinion, there were three Methods, by which the *Senators* declared their Sense of what came before them; the first was by their *Assent*, or Approbation, which they signified as they sat in their Places; and this is what Cicero means, when he tells Metellus, *nulla est a me unquam sententia dicta in fratrem tuum, quotiescunque aliquid est actum, sedens iis assensi, qui mihi lenissimè sentire videntur.* 5. B. 2. Ep. The second was, by delivering  
P 2 their

*curule* Magistrates, they had a Right of coming into the Senate, and of delivering

their Opinions, with their Reasons, which they did standing up in their Places: This requires neither Proof, nor Explanation. The third Method was, by dividing, without giving their Reasons, that is, by going over either to this, or that Side of the House; and this was called *pedibus in sententiam ire*, from whence came the Appellation of *pedarii senatores*; and this is the Sense Festus has given of the Word, *Pedarium senatorem—ita appellatur, quia tacitus transeundo ad eum, cujus sententiam probat, quid sentiat, indicat.* All these three Methods are particularly mentioned in the following Passage of Livy, 27. B. c. 34. It relates to M. Livius Salinator, chosen Consul with C. Claudius Nero, in the 547th Year of Rome, whose Consulship was illustrated by the Defeat of Asdrubal: That Author there says of the former, who, after a long Absence from publick Affairs, had been obliged, by the Censors, to give his Attendance in the Senate, *sed tum quoque aut verbo assentiabatur, aut pedibus in sententiam ibat, donec cognati eum hominis causa, M. Livii Macati, quum fama ejus ageretur, stantem coëgit in senatu sententiam dicere.* The Sense of this Passage Sigonius, misled by Gellius, has strangely mistaken; which I mention the rather, because Gronovius, who, in his Edition of Livy, frequently animadverts upon the Errors of Sigonius, not only suffers This to escape without Censure, but inserts his Annotation among his own. By this Passage of Livy, it plainly appears, contrary to the Opinion of Gellius, and of all the modern Writers, that those Senators, who were called *pedarii*, were not distinguished from the rest of their Body,



ing their Opinions there, though not of voting. But, if they had not been *curule* Magistrates, they had no Right of coming into the Senate during that Interval.

VI. This Power of the Censors was so great, that C<sup>I</sup>CERO thinks it ought to have been abrogated. However, great as it was, it was not without Controll ;  
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Body, any otherwise, than by their Behaviour upon that particular Occasion ; that is, they were called so, because they *Then* divided without giving their Reasons ; for it must be observed, that Livius Salinator, whose Manner of voting is here taken Notice of by Livy, was, at that Time, a Consular Senator, and, consequently, enjoyed, in an eminent Degree, all the Rights annexed to the Dignity of a Senator.

VI. *Ex iis autem qui magistratum ceperunt, quo senatus constituitur, populare est sane neminem in summum locum nisi per populum venire, sublata cooptatione censoria.* Cic. 3. *B. of Laws.* When the Decemvirs were suppressed, it was made capital, by two several Laws, to create any Magistrate without an Appeal to the People ; both those Laws are mentioned by Livy ; the Words of the first are, *ne quis ullum magistratum sine provocatione crearet : qui creasset, cum jus fasque esset occidi : neve ea cædes capitalis noxa haberetur.* 3. *B. c.* 55. Those of the other are as follows, *qui magistratum sine provocatione creasset, tergo ac capite puniretur.* *id. ib.*

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for the censured Person had a Right of appealing from the Censors to the People; to whom, from the Suppression of the Decemvirs, there lay an Appeal even from the Dictators. This Relief, therefore, the censured Person was intitled

In Consequence of these Laws, we find by Plutarch, in his Life of T. Flaminius, that his Brother, L. Flaminius, being deservedly expelled the Senate by the Censors, M. Porcius Cato, and L. Valerius, appealed from them to the People, who affirmed the Sentence of the Censors. I know it is generally thought that there lay no Appeal to the People from the Dictators, even after the Affair of the Decemvirs; but the contrary is manifest from those two Laws, and will appear much more so by the Speech of M. Fabius, in Favour of his Son Q. Fabius, Master of the Horse to L. Papirius Cursor, the Dictator, who, without any Regard to the Intercession either of the Senate, or Army, designed to put the Master of the Horse to Death for engaging the Samnites in his Absence, contrary to his Orders, though he had gained a complete Victory, in which twenty thousand of the Enemy were slain: To avert the Effects of this Severity, M. Fabius appeals from the Dictator to the People, as to the sovereign Judge of his Conduct, *whose Power, he tells him, is superior to That of his Dictatorship*; *Provoco ad populum; eumque tibi fugienti exercitus tui, fugienti senatus judicium, judicem fero, qui certe unus plus quam tua dictatura potest polletque.* Liv. 8. B. c. 33. *Tres eieci de senatu: retinuit quosdam Lepidus a Collega præteritos.* Liv. 40. B. c. 51.

[ III ]

to, when both the Censors concurred in expelling him ; but, if only one of them thought he deserved this Animadversion, the other might acquit him of it.

VII. It must, however, be considered that this Expulsion did not amount to a Disability ; for the Person expelled might be re-chosen into any Magistracy, that gave Right to a Seat in the Senate ; and, consequently, be re-admitted to the Degree of a Senator.

VIII. No Priests, as such, were admitted into the Senate, except the *Flamen Dialis* : But, as the Dignities of the several Priesthoods were generally conferred upon the principal Persons of the  
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VII. Λεντέλλος ὁ Πέπλιος, ὁ μὲν τὴν ὑπατείαν ἐκ τῆς χειρείας ἐκπεσὼν (ἰσχυρῶς γὰρ ὅπως τὴν βουλὴν ἀναλάβῃ.)  
Dion. Cass. 37. B.

VIII. *Habetur senatus frequens : adhibentur omnes pontifices, qui erant senatores : à quibus Marcellinus, qui erat cupidissimus mei, sententiam primus rogatus, quaesivit quid essent in decernendo secuti. Tum M. Lucullus de omnium collegarum sententiâ respondit religionis iudices pontifices*

Commonwealth, these were intitled to a Seat there, by Virtue of the Magistracies they had borne: It being a fundamental Maxim among the Romans, not to look upon the Law, the Sword, and the Priesthood, as incompatible Professions; so that, every Person, who pretended to distinguish himself in the Commonwealth, was under an indispensable Obligation of qualifying himself for all of them. By this Means, these three Professions, whose different Interests ever must divide the World under any other Regulation, being exercised by the same Persons, had, of Course, the same Interests.

*pontifices fuisse, legis senatum: se, et collegas suos de religione statuisse, in senatu de lege statuturos. Cic. 2. Ep. to Att. 4. B. cum omnes pontifices, qui erant hujus ordinis, adessent. id. of the Anf. of the Harusp. C. Valerius Flaccus, flamen dialis—rem intermissam per multos annos ob indignitatem flaminum priorem repetivit, at in senatum introiret. Ingressum eum curiam quam Licinius prætor inde eduxisset, tribunos plebis appellavit flamen—tribuni rem inertiam flaminum oblitteratam, ipsis, non sacerdotio damno fuisse, quum æquum censuissent, ne ipso quidem contra tendente prætore, magno assensu patrum plebisque, flaminem in senatum introduxerunt. Liv. 27. B. c. 8.*

IX. The

IX. The Power of the Tribunes of the People was very great, even in the Senate; so great, that, if only one of their College interposed, no Decree could be made.

X. The first Person of this Assembly in Dignity was the Prince of the Senate; who by Custom was the oldest Censorian; but, if it was insisted upon by the Censor, to whose Lot it fell to chuse, he might name any other Senator. The

IX. *Neque posset per intercessiones tribunicias senatus-consultum fieri. Liv. 4. B. c. 43. Περὶ γὰρ τῶν δημαρχῶν ἔδεν λέγειν, ὅτι μήτε ἐν ἀνάγκῃ τινὶ μεταστῆναι ἐποίησαντο, ἀτε καὶ ἐξουσίαν ἔχοντες, εἴτε ἐβέλοντό τινα γνώμην συμβαλέσθαι, εἴτε καὶ μή. Dion Cass. 41. B. Cum fierit senatus-consultum in sententiam Marcellini, omnibus præter unum assentientibus, Serranus intercessit. Cic. 2. Ep. 4. B. to Att.*

X. *Sempronii Lectio erat; cæterum Cornelius morem traditum a patribus sequendum aiebat, ut qui primus censor ex iis qui viverent, fuisset, eum principem legerent: is T. Manlius Torquatus erat. Sempronius, cui Dii sortem legendi dedissent, ei jus liberum eosdem dedisse Deos, se id suo arbitrio facturum; lecturumque Q. Fabium Maximum—Quum diu certatum esset verbis, concedente collega, lectus à Sempronio Princeps in senatu Q. Fabius Maximus Consul: inde alius senatus lectus. Liv. 27. B. 6. II.*

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Nomination of the Prince of the Senate preceded the calling over the Senators.

XI. That the Presence of a certain Number of Senators was, at all Times, necessary to the passing of Decrees, cannot be denied; since we often find that, for Want of the Number required, no Decree could be made; and often met with  
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XI. *Nec agi quicquam per infrequentiam poterat senatus. Liv. 2. B. c. 23. Quid ab eo quemquam posse equi expectare, qui per infrequentiam furtim senatus-consultum factum ad aerarium detulerit. id. 39. B. c. 4. Cupiri, inquit, ex senatus-consulto surrepto. Cic. 10. B. Ep. 4. to Att. It is generally thought that, while the Complement of the Senate was three hundred, the Presence of one hundred Senators, and no more, was necessary to the passing of all Decrees: I am sensible that there are several Passages in Livy, where mention is made of the Necessity of so many Senators being present, when a Report of some particular Matter was to be made to the Senate: But this seems to have been in Consequence of some Order made for that Purpose, *Senatus-consulto cautum est—ut prætor senatum consularet—quum in senatu centum non minus essent. Liv. 39. B. c. 18.* And, if so, this Order is so far from being a Proof that the Presence of so many Senators, and no more, was necessary to the passing of every Decree, that it proves quite the contrary; particularly, since Mention is also made by the same Author of*

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Complaints against surreptitious Decrees, that is, Decrees made, when the Number required were not present. But, I am apt to believe that the Number of Senators requisite varied, according to the Importance of the Decrees; in this I am confirmed by a Regulation of AUGUSTUS, who, as I have observed upon another Occasion, appointed the particular

no less than one hundred and fifty Senators being present, when a publick Vow was made for the Prosperity of the Commonwealth, *Quum centum et quinquaginta non minus adessent, præeunte verba Lepido pontifice maximo, id votum susceptum est.* Liv. 42. B. c. 28. I find, besides, that, upon Occasions of great Moment, the Senate were sworn, before they gave their Votes; but this was also in Consequence of some Order made for that Purpose; and, like the Orders before-mentioned, was occasional. *Patres jurati (ita convenerat) censuerunt.* Liv. 30. B. c. 40. Ἀπασι δὲ προσελάνθω παρῶσι, καθάπερ ἐν δεκάσειω, μετ' ὅσων τὴν ψήφου ἐπιφέρειν. Dionys. Hal. 7. B. There is a Passage in the 26th B. c. 33. of Livy, which deserves more than ordinary Attention, not only as it shews that, upon the Occasion there mentioned, a particular Order was made by the People that the Senate should be sworn before they gave their Votes, but also because it was, at the same Time, resolved by the People to stand to what should be determined by the major Part of the Senators, who should be present at the Deliberation

cular Number of Senators, whose Presence should be necessary to the enacting Decrees of every Kind: And it is probable this Regulation was rather declaratory of the standing Order of the Senate, than introductory of a new one. This was in the 744th, or 745th Year of Rome: He had nine Years before fixed the whole Number of Senators at six hundred, when the Presence of four hundred was necessary to the passing of

ration of that Affair, without requiring the Presence of any certain Number of them. The Consideration related to the Fate of the Campanians and others, who had submitted to the Romans; upon which, Livy says, the People came to the following Resolution: *Plebes sic jussit, quod senatus juratus maxima pars, qui adsederint, censeat; id volumus jubemusque.* These Considerations make me fearful of asserting, with the Generality of those, who have treated this Subject, that, while the Senate consisted of three hundred, the Presence of one hundred, and no more, was necessary to the passing of every Decree. τὸν τε αἰριθμὸν τὸν εἰς τὴν κύρωσιν τῶν δογμάτων ἀναγκαῖον, καὶ ἕκαστον εἶδος αὐτῶν, ὥστε ἐν κεφαλαιαῖς εἰπεῖν, διανοηθέντι (ὁ Αυγύς &c.) Dion. Cass. 55. B. Δυσχερεσθέντων ἢ πάντων ὁμοίως—τὰς ἑξακοσίας καλεῖξαι. id. 54. B. Οὐδὲν ἢ ὅτι ἂν αἰεὶ συχνοὶ συνελέγοντο, ἐκέλευσε τὰ δογματὰ αὐτῆς ἢ ἐν ἐλάττωσιν ἢ τετρακοσίοις γίνεσθαι· ἢ ἢ ἔξῃ τινα ἐκ τῶ πρὶν ἄλλως κυρῆσθαι. id. 54. B.

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some Decrees ; which Number he eight Years after reduced ; for he found the Senators not very fond of giving their Attendance in the Senate, where they were constantly obliged to applaud, without approving ; which, though they submitted to in the most servile Manner, yet they could not help remembering they had once been free ; they could command their Words and Actions, but not their Memories.

XII. The Romans were not a mercantile People : Their View was to conquer, and to govern ; to spare submitting, and subdue resisting Nations. For this Reason, though, perhaps, not for this Reason only, Commerce of every Kind was thought unbecoming a Ro-

XII. *Legem Q. Claudius tribunus plebis adversus senatum, uno Patrum adjuvante C. Flaminio tulerat ; ne quis senator, quive senatoris pater fuisset, maritimam navem quæ plus quam arecentarum amphorarum esset, haberet : ad satis habitum ad fructus ex agris vectandos : quæstus omnis patribus indecorus visus.* Liv. 21. B. c. 63.

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man Senator. But, that their Dignity might be supported by Law, as well as Custom, it was made unlawful either for a Roman Senator, or his Father, to have a Ship of greater Burthen, than was necessary to convey the Product of their Farms to Rome.

XIII. As the Magistracy, according to the common Course, gave Admittance into the Senate, so it regulated the Ranks of the Senators : The Magistrates of the Year had the Precedency of all ; and of one another, according to their respective Dignities ; according to which also, the Consular, the Prætorian, the Censorian, the Ædilician, the Tribunician, and the Quæstorian Senators were placed : Of these the Quæstorship was the first conferred, and qualified the Person invested with it for a Seat in the Senate, as a Magistrate, during the Year, and, as a

XIII. *Hoc igitur fretus senatu, Pompeianum senatum despicit, in quo decem fuimus consulares—qui vero prætorii?—qui ædilicii? qui tribunicii? qui quæstorii?*  
Cic. 13. *Philipp.*

Senator,

Senator, the first Time the Senate was called over by the Censors: But no one was capable, even of this Magistracy, 'till he had served ten Campaigns. And here I cannot help stopping a while, to take a Survey of this august Body, which was composed of those, who, besides the Merit and Experience of ten Years Service, actually were, or had been Treasurers, Guardians of the Peoples Liberties, Superintendants of the Temples of the Gods, and the Entertainments of the Publick, Contróllers of Manners, Judges, and Generals. An Assembly so constituted deserved to be what they really were, the Conquerors, and Governors of the World.

XIV. As the military Age commenced at the taking the manly Gown, that is, at the Age of seventeen; and, as ten Years Service were necessary to qualify

XIV. Πολιτικὴν ἢ λαβεῖν ἀρχὴν ἢ ἐξεσι εἶδεν πρότερον, ἢ μὴ δέκα στρατείας ἐνιαυσίας ἢ τελελεώς. Polyb. 6. B. Ἐξεστῆναι μὲν γὰρ ἔφη δώδεκα ἔτη, τῶν ἄλλων δέκα στρατιομένην ἐν ἀνάγκαις. Plut. Life of C. Gracchus.

a Person for the first Office, that gave Admittance into the Senate, I mean, the Quæstorship; it follows, that, if the Senate happened to be called over the Year after, the Quæstors, provided their Names were not omitted, became Senators, at the Age of twenty eight Years: This Age, therefore, was the earliest any Person, according to the common Course, could become a Senator; but, as the Time for calling over the Senate was only every fifth Year, and, upon many Accounts, was often postponed, it frequently happened that there was an Interval of one, two, three, or four Years, and, sometimes, more between the Quæstorship, and the Election of the Quæstor into the Senate.

XV. The same Magistrates, who assembled the Senate, whether Consuls, Prætors, or Tribunes of the People, acquainted

XV. *Quum consules, tumulto repentino coacti, senatum vocarent. Liv. 8. B. c. 28. P. Furius Philus, & M. Pomponius Prætores, senatum in curiam Hostiliam vocaverunt.*



acquainted them with the Reasons, for which they were assembled : If the Senate were summoned by the first, the Consul, who then had the Rods, ask'd the Opinion of the Senators upon what he had proposed, beginning, generally, with the Prince of the Senate, and so on, according to their Ranks; and, sometimes, with a Relation, or a Friend; but, whatever Order they pursued on the first of *January*, the Day they entered upon their Office, it was customary for them to observe the same afterwards, 'till the Election of the Consuls for the next

*coverunt. id. 22. B. c. 55. Nam, cum senatum a. d. 13. Kalendas Januarias tribuni plebis vocavissent. Cic. 10. B. 28. Ep. Publilius, penes quem fascēs erant, dic Spuri Postumi, inquit. Liv. 9. B. c. 8. Ac, post novam affinitatem, Pompeium primum rogare sententiam cepit; cum Crassum soleret, essetque Consuetudo ut, quem ordinem interrogandi sententias consul Kalendis Januariis instituisset, eum toto anno conservaret. Sueton. Life of Cæsar. D. Junius Silanus primus sententiam rogatus, quod eo tempore consul designatus erat. Sall. Cat. Consp. So that, what Suetonius calls *toto anno* must be understood to signify only till the Election of the Consuls for the ensuing Year. Quatenus de religione dicebat, cui rei quia jam obsisti non poterat, Bibulo assensum est:*

next Year, which, commonly, fell out in *July*, or *August* ; from which Time, the first Consul elect was first ask'd his Opinion. Upon a Division, the Consul, or other Magistrate, by whom the Senate was assembled, directed those, who were for the Affirmative, to go to one Side of the House, and those who were for the Negative, to go to the other. This they often did, without delivering their Opinions, much less, their Reasons, if the Question happened to be of such

*de tribus legatis, frequentes ierunt in omnia alia. Cic. 1. B. 2. Ep. Ire in omnia alia* was, it seems, the Senatorian Language, implying *to divide for the Negative*, and *censere omnia alia*, *to be of a contrary Opinion. Qui hoc censetis, illuc transite ; qui omnia alia, in hanc partem. Festus.* These were the Words made Use of by the Consul, or other Magistrate, that presided upon that Occasion. In this Manner, Thucydides says that Sthenelaïdas, one of the Ephori, took the Opinion of the Lacedæmonians upon that important Question, whether the thirty Years Truce with the Athenians was broken, in Reality, whether they should declare War against the Athenians, or not : His Manner of putting the Question was very like That practised in the Roman Senate ; *Those*, says he, *who are of Opinion that the Truce is broken, and that the Athenians have acted unjustly, let them rise, and go*

such a Nature, as to lay them under any

to that Side (pointing to a certain Place) and those, who are of a contrary Opinion, to the other. Upon which, the Assembly rose, and divided; and those, who were of Opinion that the Truce was broken, carried it by a great Majority, *ὅτω μὲν ὑμῶν, ὧ Λακεδαιμόνιοι, δοκῶσι λελύσθαι αἱ σπονδαί, καὶ οἱ Ἀθηναῖοι ἀδικεῖν, ἀναστήτω ἐς ἐκεῖνο τὸ χωρίον· (δείξας τι χωρίον αὐτοῖς) ὅτω δὲ μὴ δοκῶσιν, ἐς τὰ ἐπὶ θάτερα· ἀναστάντες δὲ διέσκησαν, καὶ πολλῶν πλείους ἐγένοντο οἷς ἐδόκεν αἱ σπονδαί λελύσθαι.* Thuc. 1. B. c. 87. διαφηφίσεως δὲ ἐπὶ τούτοις ἔκατ' ἄνδρα (μὴ καὶ δι' αἰδῶ, ἢ καὶ φόβον τινὰ παρὰ τὰ δοκῶντά σφισιν ἀποφῆναι) ἀλλ' ἐπὶ ταύτῃ, καὶ ἐπ' ἐκεῖνα τὰ βουλευτήρια μεταστάσει γενομένης. Dion. Cass. 41. B. *Si quis intercedat Senatusconsulto, auctoritate se fore contentum,* Liv. 4. B. c. 57. This Authority of the Senate, as I have said in the 27th Annotation, Dion Cassius applies to a Law made by Augustus, but, at the same Time, says, which is very true, that the Distinction between an Authority of the Senate, and a *Senatusconsultum* was very exactly observed, for a long while, by the Romans of old, though, in his Time, it was grown obsolete, τὸ τό τε ἐν ἰσχυρῶς ἐπὶ πλείστον τοῖς παλαιαῖς τηρῆν, ἐξίτηλον τρόπον τινὰ ἤδη γίγνεται. 55. B. This Authority of the Senate differed from a *Senatusconsultum* in another Respect; it was not, like That, subject to be defeated by the Interposition of the Tribunes of the People; *de his rebus, pridie quam scripsi, senatus auctoritas gravissima intercessit; cui, cum Cato, et Caninius intercessissent, tamen est perscripta,* Cic. 1. B. 2. Ep. *Eaque, quæ de eâ perscripta est, auctoritas, cui scis intercessum esse—offensionem esse periculosam, propter interpositam auctoritatem—video.* id. 7. Ep. 1. B.

Restraint, by delivering them. If one, or more Tribunes of the People opposed the passing of any Decree, the Sense of the House was, however, recorded, and, instead of a *Senatusconsultum*, was called an *Authority* of the Senate.

XVI. It was the Opinion of a very wise Man among the Romans, who has professedly treated of the Government of that Commonwealth, that it would have added great Weight to the Authority of the Senate, if they had voted by Ballot; which I am not at all surprized at, since the Laws relating to the Ballot, in which Manner the People gave their Votes upon all Occasions of Importance, were always looked upon as the Source, and Support of Liberty.

XVI. *Duabus rebus posse confirmari senatum puo; si numerus auctus per tabellam sententiam feret. Tabella obtentui erit, quo magis animo libero facere audeat.* Fragm. suppos'd of Sallust to C. Cæsar. *Lex Cassia tabellaria principium justissimæ libertatis.* Cic. in Cornel. *Tabella vindex tacitæ libertatis.* Id. 2d Agr.

XVII. The

XVII. The Senatorian Census, or Fortune required to qualify a Person for a Seat in the Senate, was eight hundred thousand Sestertii, or 6458---6---8 Sterling : This sum AUGUSTUS raised to twelve hundred thousand Sestertii, or 9687---10---0 Sterling ; which, if, by any Accident, a Senator had impaired, he lost his Seat in the Senate.

XVIII. If a Senator neglected to give his Attendance in the Senate, without

XVII. *Senatorium censum ampliavit, ac pro octingentorum millium summa, duodecies H. S. taxavit.* Sueton. Life of Aug. I have followed Arbuthnot in reducing the Sextertii to Sterling Money ; he says, and I think with great Probability, that *millie sestertiū* amounted to 8—1—5½ Sterling ; consequently *centum millia sestertiū* will amount to 807—05—10, *octingenta millia sestertiū*, the old Senatorian Census, to 6458—6—8, and duodecies H. S. the Augustan Census, to 9687—10—0. *Curtius habet in Volaterrano possessionem—hoc autem tempore Cæsar eum in Senatum legit, quem ordinem ille istâ possessione amissâ vix tueri potest.* Cic. 13. B. 5. Ep.

XVIII. *Quis unquam tanto damno Senatorem coegit ? Aut quid est ultra pignus, aut multam ?* Cic. 1. Philip. *Postquam citati non conveniebant, dimissi circa domos apparitores simul ad pignora capienda, sciscitandumque, num consulto detrectarent ?* Liv. 3. B. c. 38. *Senatori, qui non aderit, aut causa, aut culpa esto.* Cic. 3. B. of Laws.

being

being able to assign a lawful Cause of Absence, he was liable to a Fine, and obliged, immediately, to find Security for the Payment of it.

There are some other Particulars relating to the Constitution of the Roman Senate, which I have not thought worth taking Notice of ; such as the Sacrifices, and other religious Ceremonies necessary to be performed previously to any Deliberation ; as also the Robes peculiar to the Dignity of a Roman Senator ; the first of these are rendered as ridiculous by our Prejudices, as they were made venerable by theirs ; and the other, though some learned Men have thought fit to bestow a great deal of Criticism upon that Inquiry, seems rather to be a Subject of Curiosity, than Instruction.



*F I N I S.*